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LEGISLATIVE HISTORY
Public Law 91-648
S.11

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INDEX AND SUMMARY OF S.11

- Jan. 15, 1969 Sen. Muskie et al, introduced and discussed S.11 which was referred to Senate Government Operations Committee. Print of bill as introduced and remarks of author.
- Oct. 18, 1969 Senate committee reported S.11 with amendment. S. Rept. 91-489. Print of bill and report.
- Oct. 27, 1969 Senate passed S.11 as reported.
- Oct. 28, 1969 S. 11 referred to House Education and Labor Committee. Print of bill as referred.
- Dec. 14, 1969 House committee reported S. 11 with amendment. H. Rept. 91-1733. Print of bill and report.
- Dec. 21, 1970 House passed S. 11 as amended, under suspension of Rules.
- Dec. 22, 1970 Senate agreed to House amendment to S. 11
- Jan. 5, 1971 Approved: P.L. 91-648

THE HISTORY OF THE

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91ST CONGRESS
1ST SESSION

S. 11

IN THE SENATE OF THE UNITED STATES

JANUARY 15 (legislative day, JANUARY 10), 1969

Mr. MUSKIE (for himself, Mr. ANDERSON, Mr. BAYH, Mr. BROOKE, Mr. BYRD of West Virginia, Mr. DODD, Mr. ERVIN, Mr. GRAVEL, Mr. HART, Mr. HATFIELD, Mr. INOUE, Mr. JACKSON, Mr. KENNEDY, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TYDINGS, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) introduced the following bill; which was read twice and referred to the Committee on Government Operations

A BILL

To reinforce the federal system by strengthening the personnel resources of State and local governments, to improve inter-governmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

That effective State and local governmental institutions are essential in the maintenance and development of the federal system in an increasingly complex and interdependent society.

That, since numerous governmental activities administered by the State and local governments are related to national purpose and are financed in part by Federal funds, a national interest exists in a high caliber of public service in State and local governments.

That the quality of public service at all levels of government can be improved by the development of systems of personnel administration consistent with such merit principles as—

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate per-

formance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

SEC. 3. The authorities provided by this Act shall be administered in such manner as to recognize fully the rights, powers, and responsibilities of State and local governments.

TITLE I—DEVELOPMENT OF POLICIES AND

STANDARDS

DECLARATION OF PURPOSE

SEC. 101. The purpose of this title is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this Act.

ADVISORY COUNCIL

2 SEC. 102. (a) Within one hundred and eighty days
3 following the date of enactment of this Act, the President
4 shall appoint, without regard to the provisions of title 5,
5 United States Code, governing appointments in the com-
6 petitive service, an advisory council on intergovernmental
7 personnel policy.

(b) The advisory council of not to exceed fifteen members, shall be composed primarily of officials of the Federal Government and State and local governments, but shall also include members selected from educational and training institutions or organizations, public employee organizations, and the general public. At least half of the governmental members shall be officials of State and local governments. The President shall designate a Chairman and a Vice Chairman from among the members of the advisory council.

(c) It shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

25 (2) strengthening the capacity of State and local

1 governments to deal with complex problems confronting
2 them;

3 (3) aiding State and local governments in training
4 their professional, administrative, and technical em-
5 ployees and officials;

6 (4) aiding State and local governments in develop-
7 ing systems of personnel administration that are respon-
8 sive to the goals and needs of their programs and effec-
9 tive in attracting and retaining capable employees; and

10 (5) facilitating temporary assignments of personnel
11 between the Federal Government and State and local
12 governments and institutions of higher education.

13 (d) Members of the advisory council who are not regu-
14 lar full-time employees of the United States, while serving
15 on the business of the council, including travel time, may
16 receive compensation at rates not exceeding the daily rate
17 for GS-18; and while so serving away from their homes or
18 regular places of business, all members may be allowed travel
19 expenses, including per diem in lieu of subsistence, as author-
20 ized by section 5703 of title 5, United States Code, for
21 individuals in the Government service employed intermit-
22 tently.

23 REPORTS OF ADVISORY COUNCIL

24 SEC. 103. (a) The advisory council on intergovern-
25 mental personnel policy shall from time to time report to the

1 President and to the Congress its findings and recom-
2 mendations.

3 (b) Not later than eighteen months after its establish-
4 ment, the advisory council shall submit an initial report on its
5 activities, which shall include its views and recommenda-
6 tions on—

7 (1) the feasibility and desirability of extending
8 merit policies and standards to additional Federal-State
9 grant-in-aid programs;

10 (2) the feasibility and desirability of extending
11 merit policies and standards to grant-in-aid programs of
12 a Federal-local character;

13 (3) appropriate standards for merit personnel ad-
14 ministration, where applicable, including those estab-
15 lished by regulations with respect to existing Federal
16 grant-in-aid programs; and

17 (4) the feasibility and desirability of financial and
18 other incentives to encourage State and local govern-
19 ments in the development of comprehensive systems of
20 personnel administration based on merit principles.

21 (c) In transmitting to the Congress reports of the ad-
22 visory council, the President shall submit to the Congress
23 proposals of legislation which he deems desirable to carry out
24 the recommendations of the advisory council.

1 TITLE II—STRENGTHENING STATE AND LOCAL
2 PERSONNEL ADMINISTRATION

3 DECLARATION OF PURPOSE

4 SEC. 201. The purpose of this title is to assist State and
5 local governments to strengthen their staffs by improving
6 their personnel administration.

7 STATE GOVERNMENT AND STATEWIDE PROGRAMS AND
8 GRANTS

9 SEC. 202. (a) The United States Civil Service Com-
10 mission (hereinafter referred to as the "Commission") is
11 authorized to make grants to States for up to 75 per centum
12 of the costs of developing and of carrying out programs or
13 projects which the Commission finds are consistent with the
14 applicable principles set forth in clauses (1)–(6) of the
15 third paragraph of section 2 of this Act, to strengthen State
16 and local government personnel administration and to fur-
17 nish needed personnel administration services to local govern-
18 ments in that State. The authority provided by this section
19 shall be employed in such a manner as to encourage inno-
20 vation and allow for diversity on the part of State and local
21 governments in the design, execution, and management of
22 their own systems of personnel administration.

23 (b) An application for a grant shall be made at such
24 time or times, and contain such information, as the Com-

1 mission may prescribe. The Commission may make a grant
2 under subsection (a) of this section only if the application
3 thereof—

4 (1) provides for designation, by the Governor or
5 chief executive authority, of the State office that will
6 have primary authority and responsibility for the devel-
7 opment and administration of the approved program or
8 project at the State level;

9 (2) provides for the establishment of merit per-
10 sonnel administration where appropriate and the further
11 improvement of existing systems based on merit prin-
12 ciples;

13 (3) provides for specific personnel administration
14 improvement needs of the State government and, to the
15 extent appropriate, of the local governments in that
16 State, including State personnel administration services
17 for local governments;

18 (4) provides assurance that the making of a Fed-
19 eral Government grant will not result in a reduction in
20 relevant State or local government expenditures or the
21 substitution of Federal funds for State or local funds
22 previously made available for these purposes; and

23 (5) sets forth clear and practicable actions for the
24 improvement of particular aspects of personnel admin-
25 istration such as—

(A) establishment of statewide personnel systems of general or special functional coverage to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(B) making State grants to local governments to strengthen their staffs by improving their personnel administration;

(C) assessment of State and local government needs for professional, administrative, and technical manpower, and the initiation of timely and appropriate action to meet such needs;

(D) strengthening one or more major areas of personnel administration, such as recruitment and selection, training and development, and pay administration;

(E) undertaking research and demonstration projects to develop and apply better personnel administration techniques, including both projects conducted by State and local government staffs and projects conducted by colleges or universities or

1 other appropriate nonprofit organizations under
2 grants or contracts;

3 (F) strengthening the recruitment, selection,
4 assignment, and development of handicapped per-
5 sons, women, and members of disadvantaged groups
6 whose capacities are not being utilized fully;

7 (G) achieving the most effective use of scarce
8 professional, administrative, and technical man-
9 power; and

10 (H) increasing intergovernmental cooperation
11 in personnel administration, with respect to such
12 matters as recruiting, examining, pay studies, train-
13 ing, education, personnel interchange, manpower
14 utilization, and fringe benefits.

15 LOCAL GOVERNMENT PROGRAMS AND GRANTS

16 SEC. 203. (a) The Commission is authorized to make
17 grants to general local governments, or combinations of such
18 governments, that serve a population of fifty thousand or
19 more, for up to 75 per centum of the cost of developing and
20 carrying out programs or projects which the Commission
21 finds are consistent with the applicable principles set forth
22 in clauses (1)–(6) of the third paragraph of section 2 of
23 this Act, to strengthen the personnel administration of such
24 governments. Such a grant may be made only if, at the time
25 of submission of an application, the State concerned does not

1 then currently have an approved application for a grant ade-
2 quately providing, in the judgment of the Commission, for
3 assistance in strengthening the personnel administration of
4 that local government or combination of local governments.
5 However, such a grant, except as provided in subsection
6 (b) (1) of this section, may not be made until the expira-
7 tion of one year from the effective date of the grant provi-
8 sions, as provided in section 513 of this Act.

9 (b) An application for a grant from a general local
10 government or a combination of general local governments
11 shall be made at such time or times and shall contain such
12 information as the Commission may prescribe. The Commis-
13 sion may make a grant under subsection (a) of this section
14 only if the application therefor meets requirements similar
15 to those established in section 202 (b) of this Act for a
16 State application for a grant, unless any such requirement is
17 specifically waived by the Commission, and the requirements
18 of subsection (c) of this section. Such a grant may cover
19 the costs of developing the program or project covered by
20 the application. The Commission may—

21 (1) waive, at the request of a general local govern-
22 ment or combination of such governments, the one-year
23 waiting period, unless the State concerned declares,
24 within ninety days from the effective date of the grant
25 provisions, as provided in section 513 of this Act, an

1 intent to file an application for a grant that will provide
2 adequately for assistance to the local government or gov-
3 ernments; and

4 (2) make grants to general local governments, or
5 combinations of such governments, that serve a popu-
6 lation of less than fifty thousand, if it finds that such
7 grants will help meet essential needs in programs or
8 projects of national interest and will assist general local
9 governments experiencing special problems in personnel
10 administration related to such programs or projects.

11 (c) An application to be submitted to the Commission
12 under subsection (b) of this section shall first be submitted
13 by the general local government or governments to the State
14 office designated under section 202 (b) (1) of this Act for
15 review, except that, if no State office has been so designated,
16 such application shall be submitted to the Governor for his
17 review. Any comments and recommendations of the State
18 office or of the Governor, as the case may be, and a state-
19 ment by the general local government or governments that
20 such comments and recommendations have been considered
21 prior to its formal submission will accompany the application
22 to the Commission. However, the application need not be
23 accompanied by such comments and recommendations and
24 by such a statement if the general local government or gov-
25 ernments certify that the application has been before the

1 State office or the Governor, as the case may be, for review
2 for a period of sixty days without comments or recommenda-
3 tions on the application being made by that office.

4 INTERGOVERNMENTAL COOPERATION IN RECRUITING AND
5 EXAMINING

6 SEC. 204. (a) The Commission may join, on a shared-
7 costs basis, with State and local governments in cooperative
8 recruiting and examining activities under such procedures
9 and regulations as may jointly be agreed upon.

10 (b) The Commission also may, on the written request
11 of a State or local government and under such procedures as
12 may be jointly agreed upon, certify to such governments
13 from appropriate Federal registers the names of potential
14 employees. The State or local government making the re-
15 quest shall pay the Commission for the costs, as determined
16 by the Commission, of performing the service, and such pay-
17 ments shall be credited to the appropriation or fund from
18 which the expenses were or are to be paid.

19 TECHNICAL ASSISTANCE

20 SEC. 205. The Commission may furnish technical advice
21 and assistance, on request, to State and general local govern-
22 ments seeking to improve their systems of personnel admin-
23 istration. The Commission may accept from such govern-
24 ments payments, in whole or in part, for the costs of fur-
25 nishing such assistance. All such payments shall be credited

1 to the appropriation or fund from which the expenses were
2 or are to be paid.

3 COORDINATION OF FEDERAL PROGRAMS

4 SEC. 206. The Commission, after consultation with
5 other agencies concerned, shall—

6 (1) coordinate the personnel administration sup-
7 port and technical assistance given to State and local
8 governments and the support given State programs or
9 projects to strengthen local government personnel ad-
10 ministration, including the furnishing of needed person-
11 nel administration services and technical assistance,
12 under authority of this Act with any such support given
13 under other Federal programs; and

14 (2) make such arrangements, including the collec-
15 tion, maintenance, and dissemination of data on grants
16 for strengthening State and local government personnel
17 administration and on grants to States for furnishing
18 needed personnel administration services and technical
19 assistance to local governments, as needed to avoid dupli-
20 cation and insure consistent administration of related
21 Federal activities.

22 INTERSTATE COMPACTS

23 SEC. 207. The consent of the Congress is hereby given
24 to any two or more States to enter into compacts or other
25 agreements, not in conflict with any law of the United

1 States, for cooperative efforts and mutual assistance (in-
2 cluding the establishment of appropriate agencies) in con-
3 nection with the development and administration of per-
4 sonnel and training programs for employees and officials of
5 State and local governments.

6 TRANSFER OF FUNCTIONS

7 SEC. 208. (a) There are hereby transferred to the
8 Commission all functions, powers, and duties of—

9 (1) the Secretary of Agriculture under section
10 10 (e) (2) of the Food Stamp Act of 1964 (7 U.S.C.
11 2019 (e) (2)) ;

12 (2) the Secretary of Labor under—

13 (A) the Act of June 6, 1933, as amended (29
14 U.S.C. 49 et seq.) ; and

15 (B) section 303 (a) (1) of the Social Security
16 Act (42 U.S.C. 503 (a) (1)) ;

17 (3) the Secretary of Health, Education, and Wel-
18 fare under—

19 (A) sections 134 (a) (6) and 204 (a) (6) of
20 the Mental Retardation Facilities and Community
21 Health Centers Construction Act of 1963 (42
22 U.S.C. 2674 (a) (6) and 2684 (a) (6)) ;

23 (B) section 303 (a) (5) of the Older Ameri-
24 cans Act of 1965 (42 U.S.C. 3023 (a) (5)) ;

25 (C) sections 314 (a) (2) (F) and (d) (2)

1 (F) and 604 (a) (8) of the Public Health Service
2 Act (42 U.S.C. 246 (a) (2) (F) and (d) (2) (F)
3 and 291d (a) (8)) ; and
4 (D) sections 2 (a) (5) , 402 (a) (5) , 503 (a)
5 (3) , 513 (a) (3) , 1002 (a) (5) , 1402 (a) (5) ,
6 1062 (a) (5) , and 1902 (a) (4) of the Social Se-
7 curity Act (42 U.S.C. 302 (a) (5) , 602 (a) (5) ,
8 703 (a) (3) , 713 (a) (3) , 1202 (a) (5) , 1352 (a)
9 (5) , 1382 (a) (5) , and 1396a (a) (4)) ; and
10 (4) any other department, agency, office, or officer
11 (other than the President) under any other provision of
12 law or regulation applicable to a program of grant-in-
13 aid that specifically requires the establishment and
14 maintenance of personnel standards on a merit basis
15 with respect to the program;
16 insofar as the functions, powers, and duties relate to the
17 prescription of personnel standards on a merit basis.

18 (b) The Commission shall—

19 (1) provide consultation and technical advice and
20 assistance to State and local governments to aid them in
21 complying with standards prescribed by the Commission
22 under subsection (a) of this section; and

23 (2) advise Federal agencies administering pro-
24 grams of grants or financial assistance as to the applica-
25 tion of required personnel administration standards, and

1 recommend and coordinate the taking of such actions
2 by the Federal agencies as the Commission considers
3 will most effectively carry out the purpose of this title.

4 (c) So much of the personnel, property, records, and
5 unexpended balances of appropriations, allocations, and other
6 funds of any Federal agency employed, used, held, available,
7 or to be made available in connection with the functions,
8 powers, and duties vested in the Commission by this section
9 as the Director of the Bureau of the Budget shall determine
10 shall be transferred to the Commission at such time or times
11 as the Director shall direct.

12 (d) Personnel standards prescribed by Federal agencies
13 under laws and regulations referred to in subsection (a) of
14 this section shall continue in effect until modified or super-
15 seded by standards prescribed by the Commission under
16 subsection (a) of this section.

17 (e) Any standards or regulations established pursuant
18 to the provisions of this section shall be such as to encourage
19 innovation and allow for diversity on the part of State and
20 local governments in the design, execution, and management
21 of their own individual systems of personnel ad-
22 ministration.

23 (f) Nothing in this section or in section 202 or 203 of
24 this Act shall be construed to—

1 (1) authorize any agency or official of the Federal
2 Government to exercise any authority, direction, or con-
3 trol over the selection, assignment, advancement, reten-
4 tion, compensation, or other personnel action with re-
5 spect to any individual State or local employee;

6 (2) authorize the application of personnel stand-
7 ards on a merit basis to the teaching personnel of edu-
8 cational institutions or school systems;

9 (3) prevent participation by employees or em-
10 ployee organizations in the formulation of policies and
11 procedures affecting the conditions of their employment,
12 subject to the laws and ordinances of the State or local
13 government concerned;

14 (4) require or request any State or local govern-
15 ment employee to disclose his race, religion, or national
16 origin, or the race, religion, or national origin, of any of
17 his forebears;

18 (5) require or request any State or local govern-
19 ment employee, or any person applying for employment
20 as a State or local government employee, to submit to
21 any interrogation or examination or to take any psycho-
22 logical test or any polygraph test which is designed to
23 elicit from him information concerning his personal re-
24 lationship with any person connected with him by blood
25 or marriage, or concerning his religious beliefs or prac-

1 tices, or concerning his attitude or conduct with respect
2 to sexual matters; or

3 (6) require or request any State or local govern-
4 ment employee to participate in any way in any activi-
5 ties or undertakings unless such activities or undertakings
6 are related to the performance of official duties to which
7 he is or may be assigned or to the development of skills,
8 knowledge, or abilities which qualify him for the per-
9 formance of such duties.

10 (g) This section shall become effective sixty days after
11 the date of enactment of this Act.

12 TITLE III—TRAINING AND DEVELOPING STATE
13 AND LOCAL EMPLOYEES

14 DECLARATION OF PURPOSE

15 SEC. 301. The purpose of this title is to strengthen
16 the training and development of State and local government
17 employees and officials, particularly in professional, adminis-
18 trative, and technical fields.

19 ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

20 SEC. 302. (a) In accordance with such conditions as
21 may be prescribed by the head of the Federal agency con-
22 cerned, a Federal agency may admit State and local govern-
23 ment employees and officials to agency training programs
24 established for Federal professional, administrative, or tech-
25 nical personnel.

(b) Federal agencies are authorized to receive payments from, or on behalf of, State and local governments for the costs of training provided under this section, and to enter into agreements with them for this purpose. The head of the Federal agency concerned may waive all or part of such payments. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

(c) The Commission may use appropriations authorized by this Act to pay the additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs.

14 TRAINING OF PERSONNEL ENGAGED IN GRANT-IN-AID
15 PROGRAMS

16 SEC. 303. (a) Any Federal agency administering a
17 program of grants or financial assistance to State or local
18 governments may—

(1) establish, provide, and conduct training programs for employees and officials of State and local governments who have responsibilities related to the federally aided program, and, to the same extent provided in section 302 (b) of this Act, receive or waive payments for such training and credit any such payments to the

1 appropriation or fund used for paying the training costs;

2 and

3 (2) authorize State and local governments—

4 (A) from Federal funds available for State or
5 local program administration expenses under grants
6 or financial assistance; or

7 (B) from other Federal grant or financial as-
8 sistance funds when so provided in appropriation or
9 other Acts;

10 to establish, conduct, provide, and support training and edu-
11 cation programs for their employees and officials who have
12 responsibilities related to the federally aided program, in-
13 cluding internship, work-study, fellowship, and similar pro-
14 grams if approved by the Federal agency concerned, pro-
15 vided that full-time, graduate-level education supported
16 under this subsection shall be consistent with provisions
17 made for Government Service Fellowships under section 306
18 of this Act.

19 (b) The State or local government concerned shall—

20 (1) in accordance with eligibility criteria prescribed
21 by the Federal agency concerned, select the individual
22 employees and officials to receive education and training
23 in programs established under this section; and

24 (2) during the period of the education or training,

1 continue the full salary of the employee or official con-
2 cerned and normal employment benefits such as credit
3 for seniority, leave accrual, retirement, and insurance.

4 GRANTS TO STATE AND LOCAL GOVERNMENTS FOR
5 TRAINING

6 SEC. 304. (a) If in its judgment training is not ade-
7 quately provided for under grant-in-aid or other statutes, the
8 Commission is authorized to make grants to State and gen-
9 eral local governments for up to 75 per centum of the cost
10 of developing and carrying out training and education pro-
11 grams for their professional, administrative, and technical
12 employees and officials, which the Commission finds are con-
13 sistent with the applicable principles set forth in clauses
14 (1)–(6) or the third paragraph of section 2 of this Act.
15 Such grants may not be used to cover costs of full-time
16 graduate-level study, provided for in section 306 of this Act,
17 or the costs of the construction or acquisition of training fa-
18 cilities. The State and local government share of the cost of
19 developing and carrying out training and education plans and
20 programs may include, but shall not consist solely of, the
21 reasonable value of facilities and of supervisory and other
22 personal services made available by such governments. The
23 authority provided by this section shall be employed in such
24 a manner as to encourage innovation and allow for diversity
25 on the part of State and local governments in developing

1 and carrying out training and education programs for their
2 personnel.

3 (b) An application for a grant from a State or general
4 local government shall be made at such time or times, and
5 shall contain such information, as the Commission may pre-
6 scribe. The Commission may make a grant under subsection
7 (a) of this section, only if the application therefor meets
8 requirements established by this subsection unless any re-
9 quirement is specifically waived by the Commission. Such
10 grant to a State, or to a general local government under sub-
11 section (c) of this section, may cover the costs of developing
12 the program covered by the application. The program cov-
13 ered by the application shall—

14 (1) provide for designation, by the Governor or
15 chief executive authority, of the State office that will
16 have primary authority and responsibility for the devel-
17 opment and administration of the program at the State
18 level;

19 (2) provide, to the extent feasible, for coordination
20 with relevant training available under or supported by
21 other Federal Government programs or grants;

22 (3) provide for training needs of the State govern-
23 ment and of local governments in that State;

24 (4) provide, to the extent feasible, for intergovern-

1 mental cooperation in employee training matters, espe-
2 cially within metropolitan or regional areas; and

3 (5) provide assurance that the making of a Federal
4 Government grant will not result in a reduction in
5 relevant State or local government expenditures or the
6 substitution of Federal funds for State or local funds
7 previously made available for these purposes.

8 (c) A grant authorized by subsection (a) of this section
9 may be made to a general local government, or a combina-
10 tion of such governments, that serves a population of
11 fifty thousand or more only if, at the time of the submission
12 of an application, the State concerned does not then cur-
13 rently have an approved application for a grant adequately
14 providing, in judgment of the Commission, for training of
15 employees of that local government or combination of local
16 governments. However, such a grant, except as further pro-
17 vided in this subsection, may not be made until the expiration
18 of one year from the effective date of the grant provisions
19 of this Act. To be approved, an application for a grant under
20 this subsection must meet requirements similar to those estab-
21 lished in subsection (b) of this section for State applications,
22 unless any such requirement is specifically waived by the
23 Commission, and the requirements of subsection (d) of this
24 section. The Commission may—

25 (1) waive, at the request of a general local govern-

1 ment or a combination of such governments, the one-
2 year waiting period provided under subsection (c) of
3 this section unless the State concerned declares, within
4 ninety days from the effective date of the grant provi-
5 sions of this Act, an intent to file an application for a
6 grant that will provide adequately for the training of
7 employees of the general local government or govern-
8 ments; and

9 (2) make grants to general local governments, or
10 combinations of such governments that serve a popu-
11 lation of less than fifty thousand if it finds that such
12 grants will help meet essential needs in programs or
13 projects of national interest and will assist general local
14 governments experiencing special needs for personnel
15 training and education related to such programs or
16 projects.

17 (d) An application to be submitted to the Commission
18 under subsection (c) of this section shall first be submitted
19 by the general local government or governments to the State
20 office designated under section 304 (b) (1) of this Act for
21 review, except that, if no State office has been so designated,
22 such application shall be submitted to the Governor for his
23 review. Any comments and recommendations of such State
24 office or the Governor, as the case may be, and a statement
25 by the general local government or governments that such

1 comments and recommendations have been considered prior
 2 to its formal submission will accompany the application to the
 3 Commission. However, the application need not be accom-
 4 panied by such comments and recommendations and by such
 5 a statement if the general local government or governments
 6 certify that the application has been before such State office
 7 or the Governor, as the case may be, for review for a period
 8 of sixty days without comments or recommendations on the
 9 application being made by that office.

10 GRANTS TO OTHER ORGANIZATIONS

11 SEC. 305. (a) The Commission is authorized to make
 12 grants to other organizations to pay up to 75 per centum of
 13 the costs of providing training to professional, administrative,
 14 or technical employees and officials of State or local govern-
 15 ments if the Commission—

16 (1) finds substantial State and local government in-
 17 terest in the proposed program; and

18 (2) approves the program as meeting such re-
 19 quirements as may be prescribed by the Commission in
 20 its regulations pursuant to this Act.

21 (b) For the purpose of this section “other organization”
 22 means—

23 (1) a national, regional, statewide, areawide, or
 24 metropolitan organization, representing member State or
 25 local governments;

1 (2) an association of State or local public officials;

2 or

3 (3) a nonprofit organization one of whose principal
4 functions is to offer professional advisory, research, de-
5 velopment, educational or related services to govern-
6 ments.

7 GOVERNMENT SERVICE FELLOWSHIPS

8 SEC. 306. (a) The Commission is authorized to make
9 grants to State and general local governments to support
10 programs approved by the Commission for providing Gov-
11 ernment Service Fellowships for State and local government
12 personnel. The grants may cover—

13 (1) the necessary costs of the fellowship recipient's
14 books, travel, and transportation, and such related ex-
15 penses as may be authorized by the Commission;

16 (2) reimbursement to the State or local govern-
17 ment for not to exceed one-fourth of the salary of each
18 fellow during the period of the fellowship; and

19 (3) payment to the educational institutions in-
20 volved of such amounts as the Commission determines
21 to be consistent with prevailing practices under com-
22 parable federally supported programs for each fellow,
23 less any amount charged the fellow for tuition and
24 nonrefundable fees and deposits.

25 (b) Fellowships awarded under this section may not

1 exceed two years of full-time graduate-level study for pro-
2 fessional, administrative, and technical employees. The regu-
3 lations of the Commission shall include eligibility criteria
4 for the selection of fellowship recipients by State and local
5 governments.

6 (c) The State or local government concerned shall—

7 (1) select the individual recipients of the fellow-
8 ships;

9 (2) during the period of the fellowship, continue
10 the full salary of the recipient and normal employment
11 benefits such as credit for seniority, leave accrual, retire-
12 ment, and insurance; and

13 (3) make appropriate plans for the utilization and
14 continuation in public service of employees completing
15 fellowships and outline such plans in the application for
16 the grant.

17 COORDINATION OF FEDERAL PROGRAMS

18 SEC. 307. The Commission, after consultation with
19 other agencies concerned, shall—

20 (1) prescribe regulations concerning administration
21 of training for employees and officials of State and local
22 governments provided for in this title, including require-
23 ments for coordination of and reasonable consistency in
24 such training programs;

25 (2) coordinate the training support given to State

and local governments under authority of this Act with training support given such governments under other Federal programs; and

(3) make such arrangements, including the collection and maintenance of data on training grants and programs, as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 402. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

“SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

“§ 3371. Definitions

“For the purpose of this subchapter—

“(1) ‘State’ means—

“(A) a State of the United States, the District

1 of Columbia, the Commonwealth of Puerto Rico, and
2 a territory or possession of the United States; and

3 “(B) an instrumentality or authority of a State
4 or States as defined in subparagraph (A) of this
5 paragraph (1) and a Federal-State authority or
6 instrumentality; and

7 “(2) ‘local government’ means—

8 “(A) any political subdivision, instrumentality,
9 or authority of a State or States as defined in sub-
10 paragraph (A) of paragraph (1); and

11 “(B) any general or special purpose agency of
12 such a political subdivision, instrumentality, or
13 authority.

14 **“§ 3372. General provisions**

15 “(a) On request from or with the concurrence of a
16 State or local government, and with the consent of the em-
17 ployee concerned, the head of an executive agency may
18 arrange for the assignment of—

19 “(1) an employee of his agency to a State or local
20 government; and

21 “(2) an employee of a State or local government
22 to his agency;

23 for work of mutual concern to his agency and the State or
24 local government that he determines will be beneficial to
25 both. The period of an assignment under this subchapter may

1 not exceed two years. However, the head of an executive
2 agency may extend the period of assignment for not more
3 than two additional years.

4 “(b) This subchapter is authority for and applies to the
5 assignment of—

6 “(1) an employee of an executive agency to an
7 institution of higher education; and

8 “(2) an employee of an institution of higher educa-
9 tion to an executive agency.

10 **“§ 3373. Assignment of employees to State and local gov-**
11 **ernments**

12 “(a) An employee of an executive agency assigned to
13 a State or local government under this subchapter is deemed,
14 during the assignment, to be either—

15 “(1) on detail to a regular work assignment in his
16 agency; or

17 “(2) on leave without pay from his position in the
18 agency.

19 An employee assigned either on detail or on leave without
20 pay remains an employee of his agency. The Federal Tort
21 Claims Act and any other Federal tort liability statute apply
22 to an employee so assigned. The supervision of the duties of
23 an employee on detail may be governed by agreement
24 between the executive agency and the State or local govern-
25 ment concerned.

1 “(b) The assignment of an employee of an executive
2 agency either on detail or on leave without pay to a State
3 or local government under this subchapter may be made with
4 or without reimbursement by the State or local government
5 for the travel and transportation expenses to or from the place
6 of assignment and for the pay, or supplemental pay, or a
7 part thereof, of the employee during assignment. Any reim-
8 bursements shall be credited to the appropriation of the
9 executive agency used for paying the travel and transporta-
10 tion expenses or pay.

11 “(c) For an employee so assigned and on leave with-
12 out pay—

13 “(1) if the rate of pay for his employment by the
14 State or local government is less than the rate of pay he
15 would have received had he continued in his regular
16 assignment in the agency, he is entitled to receive supple-
17 mental pay from the agency in an amount equal to the
18 difference between the State or local government rate
19 and the agency rate;

20 “(2) he is entitled to annual and sick leave to the
21 same extent as if he had continued in his regular assign-
22 ment in the agency; and

23 “(3) he is entitled, notwithstanding other
24 statutes—

25 “(A) to continuation of his insurance under

chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employee's Life Insurance Fund and the Employee's Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions;

“(B) to credit the period of his assignment under this subchapter toward periodic step-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat (notwithstanding section 8348 (g) of this title) his service during that period as service of the type performed in the agency immediately before his assignment; and

“(C) for the purpose of subchapter I of chapter 85 of this title, to credit the service performed during the period of his assignment under this subchapter as Fed-

1 eral service, and to consider his State or local govern-
2 ment pay (and his supplemental pay, if any) as Federal
3 wages. To the extent that the service could also be the
4 basis for entitlement to unemployment compensation
5 under a State law, the employee may elect to claim
6 unemployment compensation on the basis of the service
7 under either the State law or subchapter I of chapter
8 85 of this title.

9 However, an employee or his beneficiary may not receive
10 benefits referred to in subparagraphs (A) and (B) of this
11 paragraph (3), based on service during an assignment under
12 this subchapter for which the employee or, if he dies without
13 making such an election, his beneficiary elects to receive
14 benefits, under any State or local government retirement or
15 insurance law or program, which the Civil Service Commis-
16 sion determines to be similar. The executive agency shall
17 deposit currently in the Employee's Life Insurance Fund,
18 the Employee's Health Benefits Fund or other applicable
19 health benefits system, respectively, the amount of the Gov-
20 ernment's contributions on account of service with respect to
21 which employee contributions are collected as provided in
22 subparagraphs (A) and (B) of this paragraph (3).

23 “(d) (1) An employee so assigned and on leave with-
24 out pay who dies or suffers disability as a result of personal
25 injury sustained while in the performance of his duty during

1 an assignment under this subchapter shall be treated, for the
2 purpose of subchapter I of chapter 81 of this title, as though
3 he were an employee as defined by section 8101 of this title
4 who had sustained the injury in the performance of duty.
5 When an employee (or his dependents in case of death) en-
6 titled by reason of injury or death to benefits under subchap-
7 ter I of chapter 81 of this title is also entitled to benefits from
8 a State or local government for the same injury or death, he
9 (or his dependents in case of death) shall elect which bene-
10 fits he will receive. The election shall be made within one
11 year after the injury or death, or such further time as the
12 Secretary of Labor may allow for reasonable cause shown.
13 When made, the election is irrevocable unless otherwise pro-
14 vided by law.

15 “(2) An employee who elects to receive benefits from a
16 State or local government may not receive an annuity under
17 subchapter II of chapter 83 of this title and benefits from
18 the State or local government for injury or disability to him-
19 self covering the same period of time. This provision does
20 not—

21 “(A) bar the right of a claimant to the greater
22 benefit conferred by either the State or local govern-
23 ment or subchapter III of chapter 83 of this title for
24 any part of the same period of time;

25 “(B) deny to an employee an annuity accruing to

1 him under subchapter III of chapter 83 of this title on
2 account of service performed by him; or

3 “(C) deny any concurrent benefit to him from the
4 State or local government on account of the death of
5 another individual.

6 **“§ 3374. Assignments of employees from State or local**
7 **governments**

8 “(a) An employee of a State or local government who
9 is assigned to an executive agency under an arrangement
10 under this subchapter may—

11 “(1) be appointed in the executive agency with-
12 out regard to the provisions of this title governing ap-
13 pointment in the competitive service for the agreed
14 period of the assignment; or

15 “(2) be deemed on detail to the executive agency.

16 “(b) An employee given an appointment is entitled to
17 pay in accordance with chapter 51 and subchapter III of
18 chapter 53 of this title or other applicable law, and is
19 deemed an employee of the executive agency for all pur-
20 poses except—

21 “(1) subchapter III of chapter 83 of this title or
22 other applicable retirement system;

23 “(2) chapter 87 of this title; and

24 “(3) chapter 89 of this title or other applicable
25 health benefits system unless his appointment results in

the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

“(c) During the period of assignment, a State or local government employee on detail to an executive agency—

“(1) is not entitled to pay from the agency;

“(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, section 638a of title 31, and the Federal Tort Claims Act and any other Federal tort liability statute; and

“(3) is subject to such regulations as the President may prescribe.

The supervision of the duties of such an employee may be governed by agreement between the executive agency and the State or local government concerned. A detail of a State or local government employee to an executive agency may be made with or without reimbursement by the executive agency for the pay, or a part thereof, of the employee during the period of assignment.

“(d) A State or local government employee who is given an appointment in an executive agency for the period of the assignment or who is on detail to an executive agency and who suffers disability or dies as a result of

1 personal injury sustained while in the performance of his
2 duty during the assignment shall be treated, for the purpose
3 of subchapter I of chapter 81 of this title, as though he
4 were an employee as defined by section 8101 of this title
5 who had sustained the injury in the performance of duty.
6 When an employee (or his dependents in case of death)
7 entitled by reason of injury or death to benefits under sub-
8 chapter I of chapter 81 of this title is also entitled to
9 benefits from a State or local government for the same
10 injury or death, he (or his dependents in case of death)
11 shall elect which benefits he will receive. The election
12 shall be made within 1 year after the injury or death, or
13 such further time as the Secretary of Labor may allow
14 for reasonable cause shown. When made, the election is
15 irrevocable unless otherwise provided by law.

16 “(e) If a State or local government fails to continue
17 the employer’s contribution to State or local government
18 retirement, life insurance, and health benefit plans for a
19 State or local government employee who is given an ap-
20 pointment in an executive agency, the employer’s con-
21 tributions covering the State or local government employee’s
22 period of assignment, or any part thereof, may be made
23 from the appropriations of the executive agency concerned.

24 **“§ 3375. Travel expenses**

25 “(a) Appropriations of an executive agency are avail-

1 able to pay, or reimburse, a Federal or State or local gov-
2 ernment employee in accordance with—

3 “(1) subchapter I of chapter 57 of this title, for
4 the expenses of—

5 “(A) travel and per diem instead of subsistence
6 to and from the assignment location;

7 “(B) per diem instead of subsistence at the
8 assignment location during the period of the assign-
9 ment; and

10 “(C) travel and per diem instead of subsistence
11 while traveling on official business away from his
12 designated post of duty during the assignment when
13 the head of the executive agency considers the
14 travel in the interest of the United States;

15 “(2) section 5724 of this title, for the expenses of
16 transportation of his immediate family and of his house-
17 hold goods and personal effects to and from the assign-
18 ment location;

19 “(3) section 5724a (a) (1) of this title, for the
20 expenses of per diem allowances for the immediate
21 family of the employee to and from the assignment
22 location;

23 “(4) section 5724a (a) (3) of this title, for sub-
24 sistence expenses of the employee and his immediate
25 family while occupying temporary quarters at the assign-

1 ment location and on return to his former post of duty;
2 and

3 “(5) section 5726 (c) of this title, for the expenses
4 of nontemporary storage of household goods and per-
5 sonal effects in connection with assignment at an isolated
6 location.

7 “(b) Expenses specified in subsection (a) of this sec-
8 tion, other than those in paragraph (1) (C), may not be
9 allowed in connection with the assignment of a Federal or
10 State or local government employee under this subchapter,
11 unless and until the employee agrees in writing to complete
12 the entire period of his assignment or one year, whichever
13 is shorter, unless separated or reassigned for reasons beyond
14 his control that are acceptable to the executive agency con-
15 cerned. If the employee violates the agreement, the money
16 spent by the United States for these expenses is recoverable
17 from the employee as a debt due the United States. The
18 head of the executive agency concerned may waive in
19 whole or in part a right of recovery under this subsection
20 with respect to a State or local government employee on
21 assignment with the agency.

22 “(c) Appropriations of an executive agency are avail-
23 able to pay expenses under section 5742 of this title with
24 respect to a Federal or State or local government employee
25 assigned under this subchapter.

1 “§ 3376. Regulations

2 “The President may prescribe regulations for the ad-
3 ministration of this subchapter.”

4 (b) The analysis of chapter 33 of title 5, United States
5 Code, is amended by inserting the following at the end
6 thereof:

 “SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

 “Sec.

 “3371. Definitions.

 “3372. General provisions.

 “3373. Assignments of employees to State or local governments.

 “3374. Assignments of employees from State or local governments.

 “3375. Travel expenses.

 “3376. Regulations.”

7 REPEAL OF SPECIAL AUTHORITIES

8 SEC. 403. The Act of August 2, 1956, as amended (7
9 U.S.C. 1881–1888), section 507 of the Act of April 11, 1965
10 (20 U.S.C. 867), and section 314 (f) of the Public Health
11 Service Act (42 U.S.C. 246 (f)) (less applicability to com-
12 missioned officers of the Public Health Service) are hereby
13 repealed.

14 SEC. 404. This title shall become effective sixty days
15 after the date of enactment of this Act.

16 TITLE V—GENERAL PROVISIONS

17 DECLARATION OF PURPOSE

18 SEC. 501. The purpose of this title is to provide for the
19 general administration of titles I, II, III, and V of this Act
20 (hereinafter referred to as “this Act”), and to provide for
21 the establishment of certain advisory committees.

DEFINITIONS

SEC. 502. For the purpose of this Act—

(1) "Commission" means the United States Civil Service Commission;

(2) “Federal agency” means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) “local government” means a city, town, county, or other subdivision or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A “general local government” means a city, town, county, or comparable general-purpose political subdivision of a State.

GENERAL ADMINISTRATIVE PROVISIONS

SEC. 503. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

(b) The Commission shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of this Act.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission may—

(1) issue such standards and regulations as may be necessary to carry out the purposes of this Act;

(2) consent to the modification of any contract entered into pursuant to this Act, such consent being subject to any specific limitations of this Act;

(3) include in any contract made pursuant to this Act such covenants, conditions, or provisions as it deems necessary to assure that the purposes of this Act will be achieved; and

(4) utilize the services and facilities of any Federal agency, any State or local government, and any other public or nonprofit agency or institution, on a reimbursable basis or otherwise, in accordance with agreements between the Commission and the head thereof.

(d) In the performance of, and with respect to the functions, powers, and duties vested in it by this Act, the Commission—

(1) may collect information from time to time with respect to State and local government training programs

1 and personnel administration improvement programs and
2 projects under this Act, and make such information
3 available to interested groups, organizations, or agencies,
4 public or private;

5 (2) may conduct such research and make such eval-
6 uation as needed for the efficient administration of this
7 Act; and

8 (3) shall include in its annual report a report of
9 the administration of this Act.

10 (e) The provisions of this Act are not a limitation on
11 existing authorities under other statutes but are in addition
12 to any such authorities, unless otherwise specifically pro-
13 vided in this Act.

14 REPORTING REQUIREMENTS

15 SEC. 504. (a) A State or local government office desig-
16 nated to administer a program or project under this Act shall
17 make reports and evaluations in such form, at such times,
18 and containing such information concerning the status and
19 application of Federal funds and the operation of the ap-
20 proved program or project as the Commission may require,
21 and shall keep and make available such records as may be
22 required by the Commission for the verification of such
23 reports and evaluations.

24 (b) An organization which receives a training grant
25 under section 305 of this Act shall make reports and evalua-

1 tions in such form, at such times, and containing such infor-
2 mation concerning the status and application of Federal
3 grant funds and the operation of the training program as the
4 Commission may require, and shall keep and make available
5 such records as may be required by the Commission for the
6 verification of such reports and evaluations.

7 REVIEW AND AUDIT

8 SEC. 505. The Commission, the head of the Federal
9 agency concerned, and the Comptroller General of the United
10 States, or any of their duly authorized representatives, shall
11 have access, for the purpose of audit and examination, to
12 any books, documents, papers, and records of a grant recip-
13 ient that are pertinent to the grant received.

14 DISTRIBUTION OF GRANTS

15 SEC. 506. (a) The Commission shall allocate grants
16 under this Act in such manner as will most nearly provide
17 an equitable distribution of the grants among States and
18 between State and local governments, taking into considera-
19 tion such factors as the size of the population, number of
20 employees affected, the urgency of the programs or projects,
21 the need for funds to carry out the purposes of this Act, and
22 the potential of the governmental jurisdictions concerned to
23 use the funds most effectively.

24 (b) In each fiscal year, 15 per centum of the total
25 amount available for grants under this Act shall be appor-

1 tioned equally among the States and the amount apportioned
2 for each State shall be reserved for programs or projects in
3 that State. However, any amount so reserved but not used
4 in any fiscal year shall be added to the total amount avail-
5 able for grants under this Act in the next succeeding fiscal
6 year. For the purpose of this subsection, "State" means the
7 several States of the United States, and the District of
8 Columbia.

9 (c) Notwithstanding the other provisions of this section,
10 the total of the payments from the appropriations for any
11 fiscal year under this Act made with respect to programs
12 or projects in any one State may not exceed an amount equal
13 to $12\frac{1}{2}$ per centum of such appropriation.

14 TERMINATION OF GRANTS

15 SEC. 507. Whenever the Commission, after giving rea-
16 sonable notice and opportunity for hearing to the State or
17 general local government concerned, finds—

18 (1) that a program or project has been so changed
19 that it no longer complies with the provisions of this
20 Act; or

21 (2) that in the operation of the program or project
22 there is a failure to comply substantially with any such
23 provision;

24 the Commission shall notify the State or general local gov-
25 ernment of its findings and no further payments may be

1 made to such government by the Commission until it is satis-
2 fied that such noncompliance has been, or will promptly be,
3 corrected. However, the Commission may authorize the con-
4 tinuance of payments to those projects approved under this
5 Act which are not involved in the noncompliance.

6 ADVISORY COMMITTEES

7 SEC. 508. (a) The Commission may appoint, without
8 regard to the provisions of title 5, United States Code, gov-
9 erning appointments in the competitive service, such advisory
10 committee or committees as it may determine to be necessary
11 to facilitate the administration of this Act.

12 (b) Members of advisory committees who are not regu-
13 lar full-time employees of the United States, while serving on
14 the business of the committees including traveltime may re-
15 ceive compensation at rates not exceeding the daily rate for
16 GS-18; and while so serving away from their homes or
17 regular places of business may be allowed travel expenses,
18 including per diem in lieu of subsistence, as authorized by
19 section 5703 of title 5, United States Code, for individuals in
20 the Government service employed intermittently.

21 APPROPRIATION AUTHORIZATION

22 SEC. 509. (a) To carry out the programs authorized by
23 this Act, there are authorized to be appropriated at any
24 time after its enactment not to exceed \$20,000,000 for fiscal

1 year 1970; \$30,000,000 for fiscal year 1971; and \$40,000,-
2 000 for fiscal year 1972.

3 (b) Any amounts appropriated under this section shall
4 remain available until expended, and any amounts author-
5 ized for any fiscal year under this section but not appro-
6 priated may be appropriated for any succeeding fiscal year
7 commencing prior to July 1, 1972.

8 REVOLVING FUND

9 SEC. 510. (a) There is established a revolving fund, to
10 be available without fiscal year limitation, for financing
11 training and such other functions as are authorized or required
12 to be performed by the Commission on a reimbursable basis
13 by this Act and such other services as the Commission, with
14 the approval of the Bureau of the Budget, determines may
15 be performed more advantageously through such a fund.

16 (b) The capital of the fund shall consist of any appro-
17 priations made for the purpose of providing capital (which
18 appropriations are hereby authorized), and such unexpended
19 balances of appropriations or funds relating to the activities
20 transferred to the fund and the fair and reasonable value
21 of such stocks of supplies, equipment, and other assets and
22 inventories on order as the Commission may transfer to the
23 fund, less the related liabilities, unpaid obligations, and
24 accrued annual leave of employees who are transferred to
25 the activities financed by the fund at its inception.

(c) The fund shall be credited with—

(1) reimbursements or advance payments from available funds of the Commission, other Federal agencies, State or local governments, or other sources for supplies and services at rates which will approximate the expense of operations, including the accrual of annual leave, the depreciation of equipment, and the net losses on property transferred or donated; and

(2) receipts from sales or exchanges of property and payments for losses or damage to property accounted for under the fund.

(d) Any unobligated and unexpended balance in the fund that the Commission determines to be in excess of amounts needed for its operations shall be deposited in the Treasury as miscellaneous receipts.

LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST

SHARING

SEC. 511. Federal funds made available to State or local governments under other programs may not be used by the State or local government for cost-sharing purposes under grant provisions of this Act, except that Federal funds of a program financed wholly by Federal funds may be used to pay a pro-rata share of such cost sharing. State or local government funds used for cost sharing

1 on other federally assisted programs may not be used for
2 cost sharing under grant provisions of this Act.

3 METHOD OF PAYMENT

4 SEC. 512. Payments under this Act may be made in
5 installments, and in advance or by way of reimbursement,
6 as the Commission may determine, with necessary adjust-
7 ments on account of overpayments or underpayments.

8 EFFECTIVE DATE OF GRANT PROVISIONS

9 SEC. 513. Grant provisions of this Act shall become
10 effective one hundred and eighty days following the date
11 of enactment of this Act.

A BILL

To reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

By Mr. MUSKIE, Mr. ANDERSON, Mr. BAYH, Mr. BROOKE, Mr. BYRD of West Virginia, Mr. DODD, Mr. EAVIN, Mr. GRAVEL, Mr. HART, Mr. HATFIELD, Mr. INOYE, Mr. JACKSON, Mr. KENNEDY, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MONTOMY, Mr. MOSS, Mr. NELSON, Mr. PEIL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TYDINGS, Mr. YARBOROUGH, and Mr. YOUNG of Ohio

JANUARY 15 (legislative day, JANUARY 10), 1969
Read twice and referred to the Committee on
Government Operations

- (16) rape;
- (17) attempted rape;
- (18) other crimes involving force to the person.

NATURE OF THE COMPENSATION

SEC. 303. The Commission may order the payment of compensation under this Act for—

- (a) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;
- (b) loss of earning power as a result of total or partial incapacity of such victim;
- (c) pecuniary loss to the dependents of the deceased victim;
- (d) pain and suffering of the victim; and
- (e) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

LIMITATIONS UPON AWARDED COMPENSATION

SEC. 304. (a) No order for the payment of compensation shall be made under section 301 of this Act unless the application has been made within two years after the date of the personal injury or death.

(b) No compensation shall be awarded under this Act to or on behalf of any victim in an amount in excess of \$25,000.

(c) No compensation shall be awarded if the victim was at the time of the personal injury or death of the victim living with the offender as his wife or her husband or in situations when the Commission at its discretion feels unjust enrichment to or on behalf of the offender would result.

TERMS OF THE ORDER

SEC. 305. (a) Except as otherwise provided in this section, any order for the payment of compensation under this Act may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 301 of this Act any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this Act), a State or any of its subdivisions, for personal injury or death compensable under this Act, but only to the extent that the sum of such payments and any award under this Act are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission may at any time, on its own motion or on the application of the Attorney General, or of the victim or his dependents, or of the offender, vary any order for the payment of compensation made under this Act in such manner as the Commission thinks fit, whether as to terms of the order or by increasing or decreasing the amount of the award or otherwise.

TITLE IV—RECOVERY OF COMPENSATION

RECOVERY FROM OFFENDER

SEC. 401. (a) Whenever any person is convicted of an offense and an order for the payment of compensation is or has been made under this Act for a personal injury or death resulting from the act or omission constituting such offense, the Commission may institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action.

(b) Process of the district court for any judicial district in any action under this section may be served in any other judicial district by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(c) An order for the payment of compensation under this Act shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

TITLE V—MISCELLANEOUS

REPORTS TO THE CONGRESS

SEC. 501. The Commission shall transmit to the President and to the Congress annually a report of its activities under this Act including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded.

PENALTIES

SEC. 502. The provisions of section 1001 of title 18 of the United States Code shall apply to any application, statement, document, or information presented to the Commission under this Act.

APPROPRIATIONS

SEC. 503. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 504. This Act shall take effect on January 1, 1970.

S. 11—INTRODUCTION OF BILL—THE INTERGOVERNMENTAL PERSONNEL ACT OF 1969

Mr. MUSKIE. Mr. President, on behalf of myself and Senators ANDERSON, BAYH, BROOKE, BYRD of West Virginia, DODD, ERVIN, GRAVEL, HART, HATFIELD, INOUE, JACKSON, KENNEDY, MCCARTHY, MCGEE, MCGOVERN, METCALF, MONDALE, MONTOYA, MOSS, NELSON, PELL, RANDOLPH, RIBICOFF, TYDINGS, YARBOROUGH, and YOUNG of Ohio, I introduce, for appropriate reference, the Intergovernmental Personnel Act of 1969, to strengthen intergovernmental cooperation and the administration of grant-in-aid programs, to extend State and local merit systems to additional programs financed by Federal funds, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the interchange of Federal, State, and local personnel, and for other purposes.

I also ask unanimous consent that the text and a section-by-section analysis of the bill be printed in the Record following my remarks.

Mr. President, among the bills passed by the Senate in the last Congress was the Intergovernmental Personnel Act of 1967, which was a set of measures designed to help strengthen State and local governments through improved personnel administration and more efficient recruitment and training of personnel, particularly in the administrative, technical, and professional categories.

That bill was reported to the Senate from the Government Operations Committee after several years of study, followed by extensive hearings held by the Subcommittee on Intergovernmental Relations. It came to the floor of the Senate with the sponsorship of 16 Senators, the endorsement of governors, mayors, and other public officials throughout the country, and the strong

support of citizen groups devoted to the public interest, and it was passed by a substantial majority. Unfortunately, the other House did not have an opportunity to act on it, and it died with the adjournment of Congress.

The bill which I and others are introducing today is almost identical with the bill which was reported to the Senate in the last Congress. It is crucially important to the successful execution of the wide-ranging programs of Federal aid to State and local government which Congress has authorized. It is urgently necessary in order that government below the Federal level may assume its full share of responsibility for the public services demanded in this period of rapid growth and social change.

We have delayed much too long in dealing with the critical shortage of properly qualified personnel for the public service. Since the great expansion in public programs that occurred during the depression thirties, government has been chronically deficient in manpower. Take, for example, this statement from the report of the Commission of Inquiry on Public Service Personnel, in 1933:

In spite of the vital importance of government and governmental services, American national, State, and local governments do not at the present time attract to their service their full share of the men and women of capacity and character. This is due primarily to our delay in adjusting our attitudes, institutions, and public personnel policies to fit social and economic changes of the past seventy years.

This must now be revised to read—"the past hundred years," since 35 years have passed since that report and we have still not taken the obviously needed actions.

The present state of the public service was characterized in these terms by the Committee on Economic Development in its recent report, "Modernizing Local Government To Secure a Balanced Federalism":

Positions requiring knowledge of modern technology are frequently occupied by unqualified personnel.

Except in large cities, most department heads are amateurs.

The spoils system still prevailing in parts of the nation has deep roots in many local governments.

Pay scales are usually too low to attract competent professional applicants.

Such conditions are deplorable from any point of view, but they are intolerable when we consider that the vast programs of Federal aid, costing some \$20 billion a year, are largely dependent upon State and local governments for their execution.

The burden carried by government below the Federal level grows constantly. Citizens are demanding better education for their children, more and better roads and public transit systems, clean and plentiful water, unpolluted air, better police and fire protection, more and better recreation facilities, more and better health care and hospitals, programs for enlarging job opportunities, and many other services.

In response to these demands, State and local government employment has been expanding at a rate of growth four times that of the U.S. economy and seven

times that of the Federal Government. In the decade from 1955 to 1965 State and local employment increased from 4.7 to 7.7 million persons, and is expected to exceed 11 million by 1975. Total recruiting needs for administrative, professional, and technical employees are estimated at 250,000 a year.

It is to this crisis of governmental manpower that the Intergovernmental Personnel Act of 1969 is addressed. The bill provides for a system of Federal financial and technical assistance and other Federal support of State and local governments for personnel administration, training, and recruitment, on a purely voluntary basis. The authorities granted by the bill would be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration and their own training programs.

The bill would:

First. Provide for intergovernmental cooperation, through an advisory council appointed by the President, in the development of policies and standards for the administration of programs for improvement of State and local personnel administration and training. The advisory council would report from time to time to the President and to the Congress, and in transmitting to the Congress reports of the advisory council, the President would submit to the Congress proposals of legislation which he deems desirable to carry out recommendations of the advisory council.

Second. Authorize the Civil Service Commission to make grants to State and local governments to plan and to make improvements in their systems of personnel administration.

Third. Transfer to the Civil Service Commission responsibility for administration of existing Federal statutory provisions requiring merit personnel administration for State and local employees engaged in certain federally assisted programs.

Fourth. Authorize Federal agencies to admit State and local government officials and employees, particularly in administrative, professional, and technical occupations, to Federal training programs. To meet the costs resulting from the admission of State or local employees or officials to such training programs, the Federal agency concerned may use its appropriations or may be reimbursed by State or local governments, or the Civil Service Commission may use its appropriations to reimburse the Federal agency concerned or make advances toward these costs.

Fifth. Authorize Federal agencies administering programs of financial grants or assistance to State or local governments to provide special training for State and local government officials or employees who have responsibilities related to those programs; and permit State and local governments to use appropriate Federal funds to establish training courses for or to pay certain education expenses of their officials or employees who have responsibilities related to the program concerned.

Sixth. Authorize the Civil Service Commission to make grants to State and local governments and other appropriate organizations for carrying out approved plans for training State and local government employees, for the development of such plans by State and local governments, and for government service fellowships for employees selected for special graduate-level university training.

Seventh. Authorize the Civil Service Commission to join with State and local governments in cooperative recruitment and examining activities and to furnish technical advice and assistance, at the request of State and local governments, to strengthen personnel administration.

Eighth. Give consent of Congress to interstate compacts designed to improve personnel administration and training for State and local employees.

Ninth. Authorize the temporary exchanging of personnel between the Federal Government and States and local governments.

Tenth. Direct the Civil Service Commission to coordinate activities of Federal agencies in providing training and technical assistance services to State and local governments, so as to avoid duplication of effort and to insure maximum effectiveness of administration.

Mr. President, I hope that this bill can be given early consideration in the Senate, and that it will receive final approval by the Congress in time for it to be put into execution before the end of 1969.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis of the bill will be printed in the RECORD.

The bill (S. 11) to reinforce the Federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

That effective State and local governmental institutions are essential in the maintenance and development of the Federal system in an increasingly complex and interdependent society.

That, since numerous governmental activities administered by the State and local governments are related to national purpose and are financed in part by Federal

funds, a national interest exists in a high caliber of public service in State and local governments.

That the quality of public service at all levels of government can be improved by the development of systems of personnel administration consistent with such merit principles as—

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

SEC. 3. The authorities provided by this Act shall be administered in such manner as to recognize fully the rights, powers, and responsibilities of State and local governments.

TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

DECLARATION OF PURPOSE

SEC. 101. The purpose of this title is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this Act.

ADVISORY COUNCIL

SEC. 102. (a) Within one hundred and eighty days following the date of enactment of this Act, the President shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an advisory council on intergovernmental personnel policy.

(b) The advisory council, of not to exceed fifteen members, shall be composed primarily of officials of the Federal Government and State and local governments, but shall also include members selected from educational and training institutions or organizations, public employee organizations, and the general public. At least half of the governmental members shall be officials of State and local governments. The President shall designate a Chairman and a Vice-Chairman from among the members of the advisory council.

(c) It shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

(d) Members of the advisory council who are not regular full-time employees of the United States, while serving on the business of the council, including travel time, may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business, all members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

REPORTS OF ADVISORY COUNCIL

SEC. 103. (a) The advisory council on intergovernmental personnel policy shall from time to time report to the President and to the Congress its findings and recommendations.

(b) Not later than eighteen months after its establishment, the advisory council shall submit an initial report on its activities, which shall include its views and recommendations on—

(1) the feasibility and desirability of extending merit policies and standards to additional Federal-State grant-in-aid programs;

(2) the feasibility and desirability of extending merit policies and standards to grant-in-aid programs of a Federal-local character;

(3) appropriate standards for merit personnel administration, where applicable, including those established by regulations with respect to existing Federal grant-in-aid programs; and

(4) the feasibility and desirability of financial and other incentives to encourage State and local governments in the development of comprehensive systems of personnel administration based on merit principles.

(c) In transmitting to the Congress reports of the advisory council, the President shall submit to the Congress proposals of legislation which he deems desirable to carry out the recommendations of the advisory council.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

DECLARATION OF PURPOSE

SEC. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

SEC. 202. (a) The United States Civil Service Commission (hereinafter referred to as the Commission) is authorized to make grants to States for up to 75 per centum of the costs of developing and of carrying out programs or projects which the Commission finds are consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act, to strengthen State and local government personnel administration and to furnish needed personnel administration services to local governments in that State. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

(b) An application for a grant shall be made at such time or times, and contain such information, as the Commission may prescribe. The Commission may make a

grant under subsection (a) of this section only if the application therefor—

(1) provides for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the approved program or project at the State level;

(2) provides for the establishment of merit personnel administration where appropriate and the further improvement of existing systems based on merit principles;

(3) provides for specific personnel administration improvement needs of the State government and, to the extent appropriate, of the local governments in that State, including State personnel administration services for local governments;

(4) provides assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and

(5) sets forth clear and practicable actions for the improvement of particular aspects of personnel administration such as—

(A) establishment of statewide personnel systems of general or special functional coverage to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(B) making State grants to local governments to strengthen their staffs by improving their personnel administration;

(C) assessment of State and local government needs for professional, administrative, and technical manpower, and the initiation of timely and appropriate action to meet such needs;

(D) strengthening one or more major areas of personnel administration, such as recruitment and selection, training and development, and pay administration;

(E) undertaking research and demonstration projects to develop and apply better personnel administration techniques, including both projects conducted by State and local government staffs and projects conducted by colleges or universities or other appropriate nonprofit organizations under grants or contracts;

(F) strengthening the recruitment, selection, assignment, and development of handicapped persons, women, and members of disadvantaged groups whose capacities are not being utilized fully;

(G) achieving the most effective use of scarce professional, administrative, and technical manpower; and

(H) increasing intergovernmental cooperation in personnel administration, with respect to such matters as recruiting, examining, pay studies, training, education, personnel interchange, manpower utilization, and fringe benefits.

LOCAL GOVERNMENTS AND GRANTS

SEC. 203. (a) The Commission is authorized to make grants to general local governments, or combinations of such governments, that serve a population of fifty thousand or more, for up to 75 per centum of the cost of developing and carrying out programs or projects which the Commission finds are consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act, to strengthen the personnel administration of such governments. Such a grant may be made only if, at the time of the submission of an application, the State concerned does not then currently have an approved application for a grant adequately providing, in the judgment of the Commission, for assistance in strengthening the personnel administration of that local government or combination of local

governments. However, such a grant, except as provided in subsection (b)(1) of this section, may not be made until the expiration of one year from the effective date of the grant provisions, as provided in section 513 of this Act.

(b) An application for a grant from a general local government or combination of general local governments shall be made at such time or times and shall contain such information as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor meets requirements similar to those established in section 202(b) of this Act for a State application for a grant, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (c) of this section. Such a grant may cover the costs of developing the program or project covered by the application. The Commission may—

(1) waive, at the request of a general local government or combination of such governments, the one-year waiting period, unless the State concerned declares, within ninety days from the effective date of the grant provisions, as provided in section 513 of this Act, an intent to file an application for a grant that will provide adequately for assistance to the local government or governments; and

(2) make grants to general local governments, or combinations of such governments, that serve a population of less than fifty thousand, if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special problems in personnel administration related to such programs or projects.

(c) An application to be submitted to the Commission under subsection (b) of this section shall first be submitted by the general local government or governments to the State office designated under section 202(b)(1) of this Act for review, except that, if no State office has been so designated, such application shall be submitted to the Governor for his review. Any comments and recommendations of the State office or of the Governor, as the case may be, and a statement by the general local government or governments that such comments and recommendations have been considered prior to its formal submission will accompany the application to the Commission. However, the application need not be accompanied by such comments and recommendations and by such a statement if the general local government or governments certify that the application has been before the State office or the Governor, as the case may be, for review for a period of sixty days without comments or recommendations on the application being made by that office.

INTERGOVERNMENTAL COOPERATION IN RECRUITING AND EXAMINING

SEC. 204. (a) The Commission may join, on a shared-costs basis, with State and local governments in cooperative recruiting and examining activities under such procedures and regulations as may jointly be agreed upon.

(b) The Commission also may, on the written request of a State or local government and under such procedures as may be jointly agreed upon, certify to such governments from appropriate Federal registers the names of potential employees. The State or local government making the request shall pay the Commission for the costs, as determined by the Commission, of performing the service, and such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

TECHNICAL ASSISTANCE

SEC. 205. The Commission may furnish technical advice and assistance, on request, to the State and general local governments seeking to improve their systems of person-

nel administration. The Commission may accept from such governments payments, in whole or in part, for the costs of furnishing such assistance. All such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

COORDINATION OF FEDERAL PROGRAMS

SEC. 206. The Commission, after consultation with other agencies concerned, shall—

(1) coordinate the personnel administration support and technical assistance given to State and local governments and the support given State programs or projects to strengthen local government personnel administration, including the furnishing of needed personnel administration services and technical assistance, under authority of this Act with any such support given under other Federal programs; and

(2) make such arrangements, including the collection, maintenance, and dissemination of data on grants for strengthening State and local government personnel administration and on grants to States for furnishing needed personnel administration services and technical assistance to local governments, as needed to avoid duplication and insure consistent administration of related Federal activities.

INTERSTATE COMPACTS

SEC. 207. The consent of the Congress is hereby given to any two or more States to enter into compacts or other agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance (including the establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of State and local governments.

TRANSFER OF FUNCTIONS

SEC. 208. (a) There are hereby transferred to the Commission all functions, powers, and duties of—

(1) the Secretary of Agriculture under section 10(a)(2) of the Food Stamp Act of 1964 (7 U.S.C. 2019(e)(2));

(2) the Secretary of Labor under—
(A) the Act of June 6, 1933, as amended (29 U.S.C. 49 et seq.); and

(B) section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1));

(3) the Secretary of Health, Education, and Welfare under—

(A) sections 134(a)(6) and 204(a)(6) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 (42 U.S.C. 2674(a)(6) and 2684(a)(6));

(B) section 303(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(5));

(C) sections 314 (a)(2)(F) and (d)(2)(F) and 604(a)(8) of the Public Health Service Act (42 U.S.C. 246 (a)(2)(F) and (d)(2)(F) and 291d (a)(8)); and

(D) sections 2(a)(5), 402(a)(5), 503(a)(3), 513(a)(3), 1002(a)(5), 1402(a)(5), 1062(a)(5), and 1902(a)(4) of the Social Security Act (42 U.S.C. 302(a)(5), 602(a)(5), 703(a)(3), 713(a)(3), 1202(a)(5), 1352(a)(5), 1382(a)(5), and 1396a(a)(4)); and

(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grant-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program; insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) The Commission shall—

(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed by the Commission under subsection (a) of this section; and

(2) advise Federal agencies administering programs of grants or financial assistance as

to the application of required personnel administration standards, and recommend and coordinate the taking of such actions by the Federal agencies as the Commission considers will most effectively carry out the purpose of this title.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of any Federal agency employed, used, held, available, or to be made available in connection with the functions, powers, and duties vested in the Commission by this section as the Director of the Bureau of the Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

(d) Personnel standards prescribed by Federal agencies under laws and regulations referred to in subsection (a) of this section shall continue in effect until modified or superseded by standards prescribed by the Commission under subsection (a) of this section.

(e) Any standards or regulations established pursuant to the provisions of this section shall be such as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own individual systems of personnel administration.

(f) Nothing in this section or in section 202 or 203 of this Act shall be construed to—

(1) authorize any agency or official of the Federal Government to exercise any authority, direction, or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee;

(2) authorize the application of personnel standards on a merit basis to the teaching personnel of educational institutions or school systems;

(3) prevent participation by employees or employee organizations in the formulation of policies and procedures affecting the conditions of their employment, subject to the laws and ordinances of the State or local government concerned;

(4) require or request any State or local government employee to disclose his race, religion, or national origin, or the race, religion, or national origin, of any of his forebears;

(5) require or request any State or local government employee, or any person applying for employment as a State or local government employee, to submit to any interrogation or examination or to take any psychological test or any polygraph test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters; or

(6) require or request any State or local government employee to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(g) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 301. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

SEC. 302. (a) In accordance with such conditions as may be prescribed by the head of

the Federal agency concerned, a Federal agency may admit State and local government employees and officials to agency training programs established for Federal professional, administrative, or technical personnel.

(b) Federal agencies are authorized to receive payments from, or on behalf of, State and local governments for the costs of training provided under this section, and to enter into agreements with them for this purpose. The head of the Federal agency concerned may waive all or part of such payments. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

(c) The Commission may use appropriations authorized by this Act to pay the additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs.

TRAINING OF PERSONNEL ENGAGED IN GRANT-IN-AID PROGRAMS

SEC. 303. (a) Any Federal agency administering a program of grants or financial assistance to State or local governments may—

(1) establish, provide, and conduct training programs for employees and officials of State and local governments who have responsibilities related to the federally aided program, and, to the same extent provided in section 302(b) of this Act, receive or waive payments for such training and credit any such payments to the appropriation or fund used for paying the training costs; and

(2) authorize State and local governments—

(A) from Federal funds available for State or local program administration expenses under grants or financial assistance; or

(B) from other Federal grant or financial assistance funds when so provided in appropriation or other Acts;

to establish, conduct, provide, and support training and education programs for their employees and officials who have responsibilities related to the federally aided program, including internship, work-study, fellowship, and similar programs if approved by the Federal agency concerned, provided that full-time, graduate-level education supported under this subsection shall be consistent with provisions made for Government Service Fellowships under section 306 of this Act.

(b) The State or local government concerned shall—

(1) in accordance with eligibility criteria prescribed by the Federal agency concerned, select the individual employees and officials to receive education and training in programs established under this section; and

(2) during the period of the education or training, continue the full salary of the employee or official concerned and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

SEC. 304. (a) If in its judgment training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and general local governments for up to 75 percentum of the cost of developing and carrying out training and education programs for their professional, administrative, and technical employees and officials, which the Commission finds are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act. Such grants may not be used to cover costs of full-time graduate-level study, provided for in section 306 of this Act, or the costs of the construction or acquisition of

training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in developing and carrying out training and education programs for their personnel.

(b) An application for a grant from a State or general local government shall be made at such time or times, and shall contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section, only if the application therefor meets requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grant to a State, or to a general local government under subsection (c) of this section, may cover the costs of developing the program covered by the application. The program covered by the application shall—

(1) provide for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the program at the State level;

(2) provide, to the extent feasible, for coordination with relevant training available under or supported by other Federal Government programs or grants;

(3) provide for training needs of the State government and of local governments in that State;

(4) provide, to the extent feasible, for intergovernmental cooperation in employee training matters, especially within metropolitan or regional areas; and

(5) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes.

(c) A grant authorized by subsection (a) of this section may be made to a general local government, or a combination of such governments, that serves a population of fifty thousand or more only if, at the time of the submission of an application, the State concerned does not then currently have an approved application for a grant adequately providing, in the judgment of the Commission, for training of employees of that local government or combination of local governments. However, such a grant, except as further provided in this subsection, may not be made until the expiration of one year from the effective date of the grant provisions of this Act. To be approved, an application for a grant under this subsection must meet requirements similar to those established in subsection (b) of this section for State applications, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (d) of this section. The Commission may—

(1) waive, at the request of a general local government or a combination of such governments, the one-year waiting period provided under subsection (c) of this section unless the State concerned declares, within ninety days from the effective date of the grant provisions of this Act, an intent to file an application for a grant that will provide adequately for the training of employees of the general local government or governments; and

(2) make grants to general local governments, or combinations of such governments that serve a population of less than fifty thousand if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist

general local governments experiencing special needs for personnel training and education related to such programs or projects.

(d) An application to be submitted to the Commission under subsection (c) of this section shall first be submitted by the general local government or governments to the State office designated under section 304(b) (1) of this Act for review, except that, if no State office has been so designated, such application shall be submitted to the Governor for his review. Any comments and recommendations of such State office or the Governor, as the case may be, and a statement by the general local government or governments that such comments and recommendations have been considered prior to its formal submission will accompany the application to the Commission. However, the application need not be accompanied by such comments and recommendations and by such a statement if the general local government or governments certify that the application has been before such State office or the Governor, as the case may be, for review for a period of sixty days without comments or recommendations on the application being made by that office.

GRANTS TO OTHER ORGANIZATIONS

SEC. 305. (a) The Commission is authorized to make grants to other organizations to pay up to 75 per centum of the costs of providing training to professional, administrative, or technical employees and officials of State or local governments if the Commission—

(1) finds substantial State and local government interest in the proposed program; and

(2) approves the program as meeting such requirements as may be prescribed by the Commission in its regulations pursuant to this Act.

(b) For the purpose of this section "other organization" means—

(1) a national, regional, statewide, area-wide, or metropolitan organization, representing member State or local governments;

(2) an association of State or local public officials; or

(3) a nonprofit organization one of whose principal functions is to offer professional advisory, research, development, educational or relate services to governments.

GOVERNMENT SERVICE FELLOWSHIPS

SEC. 306. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government Service Fellowships for State and local governmental personnel. The grants may cover—

(1) the necessary costs of the fellowship recipient's books, travel, and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable Federally supported programs for each fellow, less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.

(c) The State or local government concerned shall—

(1) select the individual recipients of the fellowships;

(2) during the period of the fellowship, continue the full salary of the recipient and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance; and

(3) make appropriate plans for the utilization and continuation in public service of employees completing fellowships and outline such plans in the application for the grant.

COORDINATION OF FEDERAL PROGRAMS

SEC. 307. The Commission, after consultation with other agencies concerned, shall—

(1) prescribe regulations concerning administration of training for employees and officials of State and local governments provided for in this title, including requirements for coordination of and reasonable consistency in such training programs;

(2) coordinate the training support given to State and local governments under authority of this Act with training support given such governments under other Federal programs; and

(3) make such arrangements, including the collection and maintenance of data on training grants and programs, as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 402. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"§ 3371. Definitions

"For the purpose of this subchapter—

"(1) 'State' means—

"(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

"(2) 'local government' means—

"(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

"(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

"§ 3372. General provisions

"(a) On request from or with the concurrence of a State or local government, and with the consent of the employee concerned, the head of an Executive agency may arrange for the assignment of—

"(1) an employee of his agency to a State or local government; and

"(2) an employee of a State or local government to his agency;

for work of mutual concern to his agency and the State or local government that he determines will be beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of an Executive agency may extend the period of assignment for not more than two additional years.

"(b) This subchapter is authority for and applies to the assignment of—

"(1) an employee of an Executive agency to an institution of higher education; and

"(2) an employee of an institution of higher education to an Executive agency.

"§ 3373. Assignment of employees to State and local governments

"(a) An employee of an Executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

"(1) on detail to a regular work assignment in his agency; or

"(2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the Executive agency and the State or local government concerned.

"(b) The assignment of an employee of an Executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay, or supplemental pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the Executive agency used for paying the travel and transportation expenses or pay.

"(c) For an employee so assigned and on leave without pay—

"(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had he continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

"(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

"(3) he is entitled, notwithstanding other statutes—

"(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employee's Life Insurance Fund and the Employee's Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions;

"(B) to credit the period of his assignment under this subchapter toward periodic step-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the Executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat (notwithstanding section 8348(g) of this title) his service during that period as service of the type performed in the agency immediately before his assignment; and

"(C) for the purpose of subchapter I of chapter 85 of this title, to credit the service performed during the period of his assignment under this subchapter as Federal service, and to consider his State or local government pay (and his supplemental pay, if any) as Federal wages. To the extent that the service could also be the basis for entitlement to unemployment compensation under a State law, the employee may elect to claim unemployment compensation on the basis of the service under either the State law or subchapter I of chapter 85 of this title.

However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar. The Executive agency shall deposit currently in the Employee's Life Insurance Fund, the Employee's Health Benefits Fund or other applicable health benefits system, respectively, the amount of the Government's contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

"(d) (1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter II of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

"(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

"(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

"(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

"§ 3374. Assignments of employees from State or local governments

"(a) An employee of a State or local government who is assigned to an Executive agency under an arrangement under this subchapter may—

"(1) be appointed in the Executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the assignment; or

"(2) be deemed on detail to the Executive agency.

"(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed an employee of the Executive agency for all purposes except—

"(1) subchapter III of chapter 83 of this title or other applicable retirement system;

"(2) chapter 87 of this title; and

"(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

"(c) During the period of assignment, a State or local government employee on detail to an Executive agency—

"(1) is not entitled to pay from the agency;

"(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, section 638a of title 31, and the Federal Tort Claims Act and any other Federal tort liability statute; and

"(3) is subject to such regulations as the President may prescribe.

The supervision of the duties of such an employee may be governed by agreement between the Executive agency and the State or local government concerned. A detail of a State or local government employee to an Executive agency may be made with or without reimbursement by the Executive agency for the pay, or a part thereof, of the employee during the period of assignment.

"(d) A State or local government employee who is given an appointment in an Executive agency for the period of the assignment or who is on detail to an Executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(e) If a State or local government fails to continue the employer's contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an Executive agency, the employer's contributions covering the State or local government employee's period of assignment, or any part thereof, may be made from the appropriations of the Executive agency concerned.

"§ 3375. Travel Expenses

"(a) Appropriations of an Executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with—

"(1) subchapter I of chapter 57 of this title, for the expenses of—

"(A) travel and per diem instead of subsistence to and from the assignment location;

"(B) per diem instead of subsistence at the assignment location during the period of the assignment; and

"(C) travel and per diem instead of subsistence while traveling on official business away from his designated post of duty during the assignment when the head of the Executive agency considers the travel in the interest of the United States;

"(2) section 5724 of this title, for the expense of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

"(3) section 5724a(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

"(4) section 5724a(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary

quarters at the assignment location and on return to his former post of duty; and

"(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

"(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1)(C), may not be allowed in connection with the assignment of a Federal or State or local government employee under this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the Executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as debt due the United States. The head of the Executive agency concerned may waive in whole or in part a right of recovery under this subsection with respect to a State or local government employee on assignment with the agency.

"(c) Appropriations of an Executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local government employee assigned under this subchapter.

"§ 3376. Regulations

"The President may prescribe regulations for the administration of this subchapter."

(b) The analysis of chapter 93 of title 5, United States Code, is amended by inserting the following at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"Sec.

"3371. Definitions.

"3372. General provisions.

"3373. Assignments of employees to State or local governments.

"3374. Assignments of employees from State or local governments.

"3375. Travel expenses.

"3376. Regulations."

REPEAL OF SPECIAL AUTHORITIES

SEC. 403. The Act of August 2, 1956, as amended (7 U.S.C. 1881-1888), section 507 of the Act of April 11, 1965 (20 U.S.C. 867), and section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) (less applicability to commissioned officers of the Public Health Service) and are hereby repealed.

SEC. 404. This title shall become effective 60 days after the date of enactment of this Act.

TITLE V—GENERAL PROVISIONS

DECLARATION OF PURPOSE

SEC. 501. The purpose of this title is to provide for the general administration of titles I, II, III, and V of this Act (hereinafter referred to as "this Act"), and to provide for the establishment of certain advisory committees.

DEFINITIONS

SEC. 502. For the purpose of this Act—

(1) "Commission" means the United States Civil Service Commission;

(2) "Federal agency" means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) "local government" means a city, town, county, or other subdivision or district of a State, including agencies, instrumental-

ities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A "general local government" means a city, town, county, or comparable general-purpose political subdivision of a State.

GENERAL ADMINISTRATIVE PROVISIONS

SEC. 503. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

(b) The Commission shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of this Act.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission may—

(1) issue such standards and regulations as may be necessary to carry out the purposes of this Act;

(2) consent to the modification of any contract entered into pursuant to this Act, such consent being subject to any specific limitations of this Act;

(3) include in any contract made pursuant to this Act such covenants, conditions, or provisions as it deems necessary to assure that the purposes of this Act will be achieved; and

(4) utilize the services and facilities of any Federal agency, any State or local government, and any other public or nonprofit agency or institution, on a reimbursable basis or otherwise, in accordance with agreements between the Commission and the head thereof.

(d) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission—

(1) may collect information from time to time with respect to State and local government training programs and personnel administration improvement programs and projects under this Act, and make such information available to interested groups, organizations, or agencies, public or private;

(2) may conduct such research and make such evaluation as needed for the efficient administration of this Act; and

(3) shall include in its annual report, a report of the administration of this Act.

(e) The provisions of this Act are not a limitation on existing authorities under other statutes but are in addition to any such authorities, unless otherwise specifically provided in this Act.

REPORTING REQUIREMENTS

SEC. 504. (a) A State or local government office designated to administer a program or project under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

(b) An organization which receives a training grant under section 305 of this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal grant funds and the operation of the training program as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 505. The Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents,

papers, and records of a grant recipient that are pertinent to the grant received.

DISTRIBUTION OF GRANTS

SEC. 506. (a) The Commission shall allocate grants under this Act in such manner as will most nearly provide an equitable distribution of the grants among States and between State and local governments, taking into consideration such factors as the size of the population, number of employees affected, the urgency of the programs or projects, the need for funds to carry out the purposes of this Act, and the potential of the governmental jurisdictions concerned to use the funds most effectively.

(b) In each fiscal year, 15 per centum of the total amount available for grants under this Act shall be apportioned equally among the States and the amount apportioned for each State shall be reserved for programs or projects in that State. However, any amount so reserved but not used in any fiscal year shall be added to the total amount available for grants under this Act in the next succeeding fiscal year. For the purpose of this subsection, "State" means the several States of the United States, and the District of Columbia.

(c) Notwithstanding the other provisions of this section, the total of the payments from the appropriations for any fiscal year under this Act made with respect to programs or projects in any one State may not exceed an amount equal to 12½ per centum of such appropriation.

TERMINATION OF GRANTS

SEC. 507. Whenever the Commission, after giving reasonable notice and opportunity for hearing to the State or general local government concerned, finds—

(1) that a program or project has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is a failure to comply substantially with any such provision;

the Commission shall notify the State or general local government of its findings and no further payments may be made to such government by the Commission until it is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Commission may authorize the continuance of payments to those projects approved under this Act which are not involved in the non-compliance.

ADVISORY COMMITTEES

SEC. 508. (a) The Commission may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committee or committees as it may determine to be necessary to facilitate the administration of this Act.

(b) Members of advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees, including traveltime, may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

APPROPRIATION AUTHORIZATION

SEC. 509. (a) To carry out the programs authorized by this Act, there are authorized to be appropriated at any time after its enactment not to exceed \$20,000,000 for fiscal year 1970; \$30,000,000 for fiscal year 1971; and \$40,000,000 for fiscal year 1972.

(b) Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1972.

REVOLVING FUND

SEC. 510. (a) There is established a revolving fund, to be available without fiscal year limitation, for financing training and such other functions as are authorized or required to be performed by the Commission on a reimbursable basis by this Act and such other services as the Commission, with the approval of the Bureau of the Budget, determines may be performed more advantageously through such a fund.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized), and such unexpended balances of appropriations or funds relating to the activities transferred to the fund and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Commission may transfer to the fund, less the related liabilities, unpaid obligations, and accrued annual leave of employees who are transferred to the activities financed by the fund at its inception.

(c) The fund shall be credited with—

(1) reimbursements or advance payments from available funds of the Commission, other Federal agencies, State or local governments, or other sources for supplies and services at rates which will approximate the expense of operations, including the accrual of annual leave, the depreciation of equipment, and the net losses on property transferred or donated; and

(2) receipts from sales or exchanges of property and payments for losses or damage to property accounted for under the fund.

(d) Any unobligated and unexpended balance in the fund that the Commission determines to be in excess of amounts needed for its operations shall be deposited in the Treasury as miscellaneous receipts.

LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST SHARING

SEC. 511. Federal funds made available to State or local governments under other programs may not be used by the State or local government for cost-sharing purposes under grant provisions of this Act, except that Federal funds of a program financed wholly by Federal funds may be used to pay a pro-rata share of such cost-sharing. State or local government funds used for cost-sharing on other federally assisted programs may not be used for cost-sharing under grant provisions of this Act.

METHOD OF PAYMENT

SEC. 512. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as the Commission may determine, with necessary adjustments on account of overpayments or underpayments.

EFFECTIVE DATE OF GRANT PROVISIONS

SEC. 513. Grant provisions of this Act shall become effective on hundred and eighty days following the date of enactment of this Act.

The section-by-section analysis of S. 11, presented by Mr. MUSKIE, is as follows:

SECTION ANALYSIS OF INTERGOVERNMENTAL PERSONNEL ACT OF 1969

The title sets forth the basic purpose of the Act as a whole and provides that it may be cited as the Intergovernmental Personnel Act of 1969.

SECTION 2. This section sets forth the finding and declaration of Congress that since the effectiveness of State, local, and Federal governments are interdependent, it is in the national interest that the quality of public service at all levels of government be improved. This can be achieved through the development of systems of personnel administration consistent with such merit principles as insuring openness and equity in recruitment, appointment, advancement, re-

tention, and separation; providing equitable and adequate pay scales and benefits; upgrading of skills through training; and insulating employees from partisan political pressures. To this end, Federal financial and technical assistance is in the national interest.

SEC. 3. This section provides that the Act shall be administered in such a manner that the rights, powers, and responsibilities of State and local governments are fully recognized.

TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

SEC. 101. This section sets forth the purpose of the title, which is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this Act.

Advisory council

SEC. 102. This section provides for the appointment by the President of an advisory council on intergovernmental personnel policy within 180 days after enactment. This shall be done without adherence to provisions regarding appointments in the competitive service.

Subsection (b) provides that the council, not exceeding fifteen members, shall be composed primarily of officials from all levels of government but shall also include members selected from employee organizations, educational institutions, and the general public. At least half its governmental members shall be officials of State and local governments.

Subsection (c) states that it shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of improving personnel administration in State and local governments, strengthening these governments in their training efforts, and in their development of personnel administration systems, and facilitating assignments of personnel between the Federal Government and State and local governments.

Subsection (d) provides that members of this council who are not full-time employees of the Federal Government may be compensated at rates not in excess of the daily rates for GS-18 employees, including travel time and per diem.

Reports of the advisory council

SEC. 103. This section provides that the council shall report its findings and recommendations to Congress and the President from time to time.

Subsection (b) states that the initial report is to be made not later than 18 months after the council's establishment, and shall include its views and recommendations on: the feasibility and desirability of extending merit requirements to additional grant-in-aid programs; appropriate standards for merit personnel administration; and the possible use of financial and other incentives to encourage the development of such comprehensive systems of personnel administration based on merit.

Subsection (c) provides that the President shall propose legislation to Congress which he judges desirable to implement the recommendations of the council.

TITLE—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

SEC. 201. This section states the purpose of the title which is to assist State and local governments in strengthening their staffs by improving personnel administration.

State government and statewide programs and grants

SEC. 202. This section provides that the Civil Service Commission (from now on referred to as the Commission) is authorized to make grants to States for up to 75% of the costs of developing and implementing programs or projects to strengthen personnel

administration which the Commission finds are consistent with the merit principles set forth in Section 2 of the Act. Inasmuch as these grants are designed to strengthen personnel administration on the part of State and local governments, the authority provided by this section is to be employed in such manner as to encourage innovation and allow for diversity in the design, execution, and management of such programs by the governments concerned.

Subsection (b) states that, to be approved, an application by a State for a personnel administration grants must provide for designation, by the Governor, of the State office that will have responsibility for the program or project; establishment, where appropriate, or improvement of personnel systems based on principles of merit; specific personnel administration improvement needs of the State; assurance that such a grant will not effect a reduction in pertinent State or local spending; and clear and practical actions for improving such aspects of personnel administration as:

The establishment of statewide personnel systems to meet the needs of jurisdictions not able to provide such systems for themselves;

The effecting of State grants to local governments for improved personnel systems;

The conduct of manpower requirements studies, and remedial action where appropriate;

The strengthening of one or more of the major areas of personnel administration;

The conduct of research and demonstration projects by the State and by appropriate non-profit institutions;

The strengthening of programs for the disadvantaged and underutilized, as well as shortage category personnel;

The augmentation of intergovernmental cooperation in all areas of personnel administration wherever feasible.

Local government programs and grants

SEC. 203. This section authorizes the Commission to make grants to general local governments, or combinations thereof, that serve a population of 50,000 or more. Funding can be 75% of the cost of development and implementation of programs or projects which the Commission finds are consistent with the principles set forth in Section 2 of this Act. Such a grant may be made only if, at the time the application is submitted, the State concerned does not have an approved application for a grant which adequately covers the particular local government(s) in question.

Such a grant, however, shall not generally be made until the expiration of one year from the time the grant provisions of this Act become effective. The Commission may waive this one year waiting period at the request of the local government(s) concerned, unless the State in which the government(s) are located declares, within 90 days from the effective date of the grant provisions, an intent to file an application for a grant which will include the local government(s).

The Commission may also make grants to local governments, or combinations of governments, which serve a population of less than 50,000, if it finds that this will help them meet essential needs in programs or projects of national interest and will assist such governments in alleviating personnel problems relating to these programs.

The application must be submitted to the designated State office for review. If no such office has been designated, it shall be submitted for this purpose to the Governor. Any comments or recommendations made during this review shall be included with the application, and a statement as to the fact that they have been considered shall also be included by the local government(s), unless it is certified that the application has been so submitted and no comments or recommenda-

tions have been made by the State for a 60 day period.

Intergovernmental cooperation in recruiting and examining

SEC. 204. This section authorizes the Commission to join State and local governments in cooperative recruiting and examining programs on a shared-cost basis, under procedures and regulations to be jointly agreed upon.

Subsection (b) authorizes the Commission to certify to such governments from Federal registers the names of potential employees. Procedures are to be jointly agreed upon, and there must be a written request for such services from the State or local government. The Commission will determine the costs of the operation and reimbursements shall be credited to the appropriation or fund from which the expenses were, or are to be paid.

Technical assistance

SEC. 205. The Commission is authorized by this section to furnish, on request, technical advice and assistance to State and local governments seeking to improve their systems of personnel administration. The Commission may accept from such governments payments, in whole or in part, for the costs involved in furnishing this assistance.

Coordination of Federal programs

SEC. 206. This section authorizes the Commission (after consultation with other concerned agencies) to (1) coordinate the personnel administration support and assistance rendered to State and local governments within the terms of this Act, and any such support given under other Federal programs; and, (2) make the arrangements necessary to avoid duplication and to insure consistent administration of related Federal activities, including the collection, maintenance, and dissemination of data on grants for personnel systems' support and technical assistance.

Interstate compacts

SEC. 207. This section gives the consent of Congress for any two or more States to enter into compacts or agreements for cooperative efforts and mutual assistance (including establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of the States concerned and for employees of their local government jurisdictions. Such compacts and agreements must not be in conflict with any Federal laws.

Transfer of functions

SEC. 208. Subsection (a) of this section transfers to the Commission all functions, powers and duties of any Federal department, agency, office or official (other than the President) that relate to the prescription of personnel standards on a merit basis under any provision of law or regulation that specifically requires the establishment and maintenance of personnel standards on a merit basis for programs financed in whole or in part by Federal grant-in-aid funds.

Subsection (b) of this section directs the Commission to aid State and local governments to comply with the personnel standards prescribed by the Commission under the authorities transferred to it by Subsection (a) of this section. Subsection (b) directs the Commission to advise Federal agencies administering grant programs as to the application of such standards and to recommend actions which will most effectively achieve the purposes of this title.

Subsection (c) of this section provides for the transfer from applicable Federal agencies to the Commission, to the extent determined by the Director of the Bureau of the Budget, of the personnel, property, records, unexpended appropriations, allocations and other funds which are concerned with the functions, powers, and duties transferred to the

Commission by Section 208(a). It is understood that any personnel engaged in functions transferred will be transferred in accordance with applicable laws and regulations relating to transfer of functions.

Subsection (d) and (e) of this section provide that personnel standards issued by Federal agencies under current laws will remain in effect until modified or superseded by standards issued under this Act; and that standards issued pursuant to this Act by the Commission must encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management in their own individual systems of personnel administration.

Subsection (f) states that neither Section 202 nor 203 (1) authorize Federal control over any personnel action concerning an individual State or local employee; (2) direct the application of personnel standards to teaching personnel; (3) prevent employees' or their organization's participation in the development of policies and procedures affecting their employment; (4) require or request disclosure of an employee's race, religion or national origin, or that of his forebears; (5) require or request an applicant or an employee to submit to examination on his personal relationship with persons connected by blood or marriage, or concerning his attitude with respect to sexual matters; or require his participation in any activities not related to the performance of official duties.

Subsection (g) provides that Section 208 will become effective sixty days after the date of enactment of this Act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

SEC. 301. This section sets forth the basic purpose of this title, which is to strengthen State and local government programs for the training and development of their employees and officials, particularly those in professional, administrative, and technical occupations.

Admission to Federal employee training programs

SEC. 302. Subsection (a) of this section authorizes admittance of State and local government employees and officials to training programs established by a Federal agency to train Federal professional, administrative, or technical personnel. The subsection provides that the admittance of State and local employees and officials is subject to such conditions as the head of the Federal agency establishing the training program may prescribe.

Subsection (b) of this section authorizes Federal agencies admitting State and local government employees and officials to their training programs to receive payments for the training from, or on behalf of, State and local governments, to waive all or part of such payments, and to enter into agreements concerning the payments with the State or local government concerned.

Subsection (c) of this section authorizes the Commission to use appropriations authorized by this Act to meet the additional developmental or overhead costs incurred because of the admittance of State or local employees to Federal training courses, and to reimburse other Federal agencies for these costs.

Training of personnel engaged in grant-in-aid program

SEC. 303. This section authorizes any Federal agency that administers a program of grants or financial assistance to State or local governments to establish, provide, and conduct training programs specifically for State and local government employees and officials who have responsibilities related to the said program. Federal agencies may, to the same extent provided in Section 302(b) of this

Act, accept payments for such training from, or on behalf of, State and local governments, waive such payments, and enter into agreements concerning the payments.

The section further provides that any Federal agency administering a program of grants or financial assistance may authorize a State or local government, from Federal funds available for State or local program administration expenses, to establish, provide, conduct, and support training and education programs, including fellowship programs providing for full-time graduate-level study, for those of their employees and officials who have responsibilities related to the aided program. Full-time graduate-level fellowship programs, to be approved, must be consistent with the provisions made for Government Service Fellowships under Section 306 of this Act.

Section 306 provides that fellowships may not exceed two years of full-time graduate level study for professional, administrative and technical personnel. Grants made to State and general local governments to support fellowship programs may—

Cover the necessary costs of books, travel and transportation, and such related expenses as may be authorized;

Provide reimbursement to the State or local government for up to 25 percent of the salary of each fellow during the period of the fellowship; and

Cover payment to the educational institution involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable Federally supported programs less amounts charged the fellow for tuition and fees.

Section 303 also provides that the State or local government concerned shall select the employee or official to receive the education or training and shall continue his full salary and normal employment benefits during the period of training. State and local governments, however, must make their selections in accordance with such eligibility criteria as may be prescribed by the Federal agency concerned.

Grants to State and local governments for training

SEC. 304. This section authorizes the Commission, if training is not adequately provided for under grant-in-aid or other statutes, to make grants to States and, under certain circumstances, to general local governments to meet up to seventy-five percent of the cost of developing and carrying out programs approved by the Commission, and consistent with the applicable principles of merit outlined in Section 2, for training their professional, administrative, and technical employees and officials. Such grants may not be used to cover the costs of full-time graduate-level study, which is covered in Section 306 of this Act, or of the construction or acquisition of training facilities.

The State and local government's share of the costs may include the reasonable value of the facilities and personal services they provide. The State and local government's share of costs may not, however, consist solely of providing such facilities and services.

An application for a grant shall be made at such time or times, and contain such information as the Commission may prescribe. Subsection (b) sets forth the minimum requirements a State or general local government application for a training program grant must meet in order to be approved by the Commission. The Commission is authorized to waive any of the requirements in a specified justified case. In general, these requirements emphasize the importance of careful planning, a comprehensive approach, strong leadership by the chief executive, inter-program and inter-jurisdictional coordination, and similar matters. In addition, a State or local government is required to provide assurance that the grant will not result

in the reduction of relevant expenditures or the substitution of Federal funds for funds previously made available for these purposes by the State or local governments.

The Commission is authorized by Subsection (c) to make grants to a general local government serving a population of 50,000 or more, or a combination of such local governments, if within one year from the effective date of the grant provisions of this Act the State has not submitted and received approval of an application for a training program grant which adequately provides for such local government. The application submitted by the local government must meet requirements similar to those established for State applications unless any requirement is waived by the Commission.

The Commission is authorized to waive the one year waiting period and make grants to general local governments if such a government requests the waiver and the State government concerned has not declared, within 90 days of the effective date of the grant provisions of this Act, an intent to file an application for a grant that will provide adequately for the training of employees of the local government.

The Commission may also waive the 50,000 population requirement and make grants to smaller general local governments, or combinations of such governments if it finds such grants will meet other essential needs in programs of national interest.

Subsection (d) provides that an application submitted to the Commission under Subsection (c) shall first be submitted by the local government(s) to the designated State office for review. If no such office has been designated, it shall be submitted to the Governor. The application will be accompanied to the Commission by any comments or recommendations received from the above State officials, and by a statement by the local government indicating that such comments have been considered. However, if a 60 day period should elapse without such review being affected by the above State officials, the local government(s) may certify such fact, and forward the application to the Commission.

Grants to other organizations

SEC. 305. This section authorizes the Commission to make grants to an organization representing member State or local governments, or an association of State or local officials, as well as nonprofit organizations that meet certain requirements specified in the section. These grants may pay up to seventy-five percent of the costs of providing training to State and local government professional, administrative, or technical employees and officials. To make such grants, the Commission must first find sufficient State or local government interest in the training program and, in addition, must approve the training program as meeting such requirements as may be prescribed by its regulations.

Government service fellowships

SEC. 306. This section authorizes the Commission to make grants to States and general local governments to support programs, approved by the Commission, to provide fellowships for graduate-level study to professional, administrative, and technical employees such State and local governments have selected for this training. The grants may cover the necessary costs of travel and transportation, books and such related expenses as the Commission may authorize; reimbursement to the State or local government not to exceed one-fourth of the salary of the employee selected for the period of the graduate study, and payment to the educational institutions involved of such amounts as the Commission determines to be consistent with other prevailing practices under comparable Federally-funded programs, less any amount charged by the institution for

tuition and non-refundable fees and deposits.

A fellowship awarded by a State or general local government to a professional, administrative or technical employee will be for a period not exceeding two years of full-time graduate-level study.

This section provides that the State or general local government will, subject to eligibility criteria prescribed by the Commission, select the individual employee to be awarded a fellowship. The State or general local government must, during the period of the fellowship, continue the full salary and normal employment benefits (such as credit for seniority, leave accrual, retirement, and insurance) to which the recipient of the fellowship is entitled, and outline in the application the plans made for the employer's continued utilization in the public service.

Coordination of Federal programs

SEC. 307. This section directs the Commission, after consultation with other concerned Federal agencies, to prescribe regulations covering the training provided for in title III of the Act. The regulations are to include requirements for coordination of, and reasonable consistency in, the training programs established by the Commission and by other Federal agencies under title III.

In addition, the section directs the Commission, again after consultation with other Federal agencies concerned, to coordinate the training support given State and local governments under this Act with that provided under other Federal programs. The Commission is to make such arrangements as needed to avoid duplication among Federal programs providing for training of State and local government employees and to insure consistent administration of related Federal training activities. The Commission is authorized to collect and maintain appropriate data on Federal agency training grants and programs.

TITLE V—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

SEC. 401. This section set forth the purpose of title IV, namely to facilitate intergovernmental cooperation by authorizing temporary assignments of personnel between the Federal Government and State and local governments.

SEC. 402. This section adds a new subchapter VI at the end of Chapter 33 of title 5 of the United States Code embodying the mobility provisions.

Definitions

Section 3371 of the new subchapter defines "State" and "local government" for the purpose of this title. These definitions are intended to be broad enough to include any agency of a State or local government at any level; their instrumentalities, including multi-State authorities and intra-State authorities; Federal-State authorities; and the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

There is no special definition of a Federal agency or a Federal employee in this section. For the purposes of this title a Federal agency would be any Executive agency as defined under section 105 of title 5 of the United States Code. The definition of Federal employee would be that which appears in section 2105 of title 5. Uniformed personnel, including those in the Coast Guard, the Public Health Service, and the Coast and Geodetic Survey do not come under its coverage.

General provisions

SEC. 3372. This section provides the broad framework for establishing mobility programs. It authorizes assignments of employees, with their consent, from one governmental jurisdiction to another for periods up to two years. Assignments could be extended by the Federal agency head concerned for

not to exceed two years. The assignment would have to be for work which the Federal agency head determined would be of mutual benefit to his agency and the State or local jurisdiction concerned. Subchapter (b) authorizes the assignment of an employee of an Executive agency to an institution of higher learning, and vice versa. Private as well as public institutions of higher learning would come under the purview of this provision.

Assignment of Federal employees to States or local governments

SEC. 3373. This section deals with the assignment of Federal employees to State and local jurisdictions. Under subsection (a) employees could be assigned either on a detail or leave without pay basis, whichever seems most desirable to the agencies involved. Employees serving on a detail basis would be treated as Federal employees for all purposes except that their supervision would be governed by agreement between the participating agencies. The Federal Tort Claims Act and any other Federal tort liability statute would continue to apply to Federal employees whether on detail or on leave without pay.

Subsection (b) provides that assignments either on a detail or leave without pay basis may be made with or without reimbursement by the State or local government for salary, supplemental salary, and travel and transportation expenses of Federal personnel. Authority would be available for Federal agencies to receive reimbursement from the State or local agency for all or part of the expenses of Federal employees.

Subsection (c) sets the ground rules for assignments of Federal employees to State and local governments on leave without pay. Such personnel would be given State or local government appointments, and their salary would come from State or local funds. However, Federal appropriations would be authorized for certain expenses. If the rate of pay for a State position is less than the rate of pay the Federal employee would have received had he remained at his Federal post, the Federal agency would pay a salary supplement equal to the difference. The supplement would be payable as earned, and would not be conditional on such factors as completion of the full period of assignment.

Employees serving on leave without pay would earn leave at the same rate as they would have earned if had they remained in their regular jobs. Employees would not be authorized to earn leave at a higher rate even if the position they occupied in the State government normally called for a higher earning rate. The determination whether the Federal Government or the State or local government paid for the leave would be arrived at by agreement between the participating agencies.

Federal employees on leave without pay would be entitled to continuation of their retirement, life insurance, and health benefits coverage under the civil service or other applicable systems as long as they currently paid the employee contribution into the appropriate fund or system. The employer contribution would be paid by the Federal agency originating the assignment for all three types of coverage. These personnel would continue to be covered under 5 U.S.C. 8501-8508 relating to unemployment compensation benefits.

Service performed on such assignments on leave without pay would be creditable for Federal salary, retention, retirement, and leave accrual purposes. Such service would also be creditable for early retirement purposes for law enforcement personnel under 5 U.S.C. 8336(c).

There is one circumstance, however, under which Federal health, life insurance, and retirement benefits would not be authorized. That would be when employees or their beneficiaries elected to receive benefits under State or local systems instead. The policy

throughout this title is to bar the receipt of dual benefits by Federal employees for any purpose.

Subsection (d) (1) provides that if an employee on leave without pay is injured or killed in the performance of official duty, he or his beneficiary shall be treated for the purpose of injury compensation benefits as if he had been injured or killed while on active duty in his agency. Here, too, the employee or his beneficiary would have a choice between Federal and State benefits. And if the non-Federal benefit is selected, the employee or his beneficiary would not be entitled to a parallel Federal benefit.

Under subsection (d) (2) an employee who elects to receive State workmen's compensation benefits would not be entitled to Federal disability retirement for the same period.

Assignment of State or local government employee

Assignment of State or local government employees

SEC. 3374. This section sets forth the conditions for assignment of State and local employees to the Federal Government.

Subsection (a) provides two methods for assigning State and local employees to Federal agencies which are comparable to the two methods authorized for Federal employee assignments to State and local governments. State or local employees could serve either on a detail basis or under a temporary Federal appointment without regard to the provisions governing appointment in the competitive civil service. An employee who is detailed to the Federal Government would remain a State government employee for most purposes. A State employee given a Federal appointment would be treated in the same way as any other temporary Federal employee for most purposes. He would not be entitled to tenure, and his appointment could be terminated at any time by the Federal agency employing him.

Subsection (b) provides that a State employee given a Federal appointment would come under the coverage of the Civil Service Retirement Act or other applicable retirement systems or the Federal Employees Group Life Insurance Act. He would not be covered under the Federal Employees Health Benefits Act or similar authority unless his Federal appointment resulted in the loss of coverage under a State or local health benefits system.

Subsection (c) is concerned with the status of State and local personnel detailed to a Federal agency. Such personnel would not be entitled to Federal pay, but would be considered Federal employees for the purpose of certain Federal employee laws including those relating to conflict of interest, political activity, failure to account for public money, disclosure of confidential information, lobbying with appropriated funds, and tort claims. In addition, they would be subject to such regulations as the President may prescribe. The supervision of the duties of a State or local detailee would be governed by agreement between the participating agencies. A Federal agency could reimburse a State or local agency for all or part of the salary of a State or local detailee.

Subsection (d) provides that a State or local government employee serving on detail or under Federal appointment who is disabled or dies as a result of personal injury sustained while in the performance of official duty is to be treated as a Federal employee for on-the-job injury compensation benefits. However, as in the case of the Federal employee who is injured serving on a State or local government assignment, the State or local employee or his beneficiary would not be entitled to receive both Federal and State benefits for the same injury.

Subsection (e) provides that if a State

or local government fails to continue the employer's contribution to the State or local government retirement, life insurance, and health benefit plans for a State or local government employee under Federal appointment, the employer's contribution or a part thereof, may be paid by the Federal agency concerned. In these situations, the Federal agency would transmit deposits directly to the State or local government system.

Travel expenses

SEC. 3375. This section authorizes the payment of travel and transportation expenses and per diem for State and local government employees assigned to Federal agencies and Federal employees assigned to State and local governments. This section is intended to be broad enough to provide for the needs of Federal, State, and local employees enroute to, from, and during their assignments in either the Federal Government or State and local governments.

The authorizations provided would be available for Federal agency use on a discretionary basis under regulations prescribed by the President.

Subsection (a) (1) provides authority for a Federal agency to pay the costs of travel, including mileage and allowances, and per diem in lieu of subsistence in accordance with subchapter I of Chapter 57, title 5, United States Code, of Federal, State and local employees enroute to, from, and during assignment.

Subsection (a) (2) provides authority to pay the travel and transportation expenses of the immediate families of employees assigned to another governmental jurisdiction and return. This includes transportation of household goods and personal effects, packing, crating, temporarily storing and unpacking, etc.

Subsection (a) (3) provides authority to pay a per diem allowance for the immediate family of the employee while enroute to and from the assignment location in accordance with section 5724a(a) (1) of title 5 of the United States Code.

Subsection (a) (4) would authorize payment of subsistence expenses for the employee and his immediate family for a period up to 30 days while occupying temporary quarters at the assignment location with section 5724a(a) (3) of title 5.

Subsection (a) (5) provides for the payment of expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location in accordance with section 5726(c) of title 5.

Subsection (b) provides that the expenses specified in subsection (a) may not be allowed unless the employee signs a written agreement to complete the entire period of his assignment or one year, whichever is shorter, unless separated for reasons beyond his control. If the agreement is violated, the expenses would be recoverable by the United States. However, an agency head could waive the right of recovery with respect to State or local government employees assigned to his agency.

Subsection (c) authorizes the use of appropriations to transport the remains and personal effects of employees and their dependents who die while on an assignment.

Regulations

SEC. 3376. This section sets forth section headings for each of the major provisions of this title, and states that the President may prescribe regulations for the administration of this subchapter.

Repeal of special authorities

SEC. 403. This section repeals other employee mobility authorities with the exception of section 314(f) of the Public Health Service Act relating to Commission officers of the Public Health Service.

Effective date

SEC. 404. This section sets the effective date of this title at sixty days after enactment.

TITLE V—GENERAL PROVISIONS

Declaration of purpose

SEC. 501. This section sets forth the purpose of this title, which is to provide for the general administration of titles I, II, III, and V of the Act, and to provide for the establishment of certain advisory committees.

Definitions

SEC. 502. This section defines, for the purposes of the Act, the terms "Commission", "Federal agency", "State", "local government", and "general local government".

General administrative provisions

SEC. 503. This section provides that, unless otherwise specifically provided, the Commission shall administer the Act, and shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of the Act.

In the performance of, and with respect to, the functions, powers, and duties vested in it by the Act, the Commission is authorized by subsection (c) to issue standards and regulations necessary to carry out the purposes of the Act; to consent to the modification of any contract entered into under the Act; to include in any such contracts those covenants, conditions, or provisions the Commission deems necessary to assure that the purposes of the Act will be achieved; and to enter into agreements with any Federal agency, State or local government, or other public or non-profit agency or institution, for the use (on a reimbursable, non-reimbursable, or other basis) of their services and facilities.

Subsection (d) authorizes the Commission to collect information from time to time with respect to State and local government training and personnel administration programs under the Act; to make such information available to interested public or private groups, organizations, or agencies; and to conduct research and make evaluations as needed for the efficient administration of the Act. In addition, subsection (d) requires the Commission to include a report on the administration of the Act in its annual report.

Section 503 further provides that the Act's provisions are not a limitation on existing authorities under other statutes. Unless specifically provided otherwise, the Act's provisions are in addition to such authorities.

Reporting requirements

SEC. 504. This section provides that reports and evaluations shall be made by those State or local government offices designated to administer an approved program under the Act.

Such reports and evaluations will be made in such form, at such times, and containing such information concerning the status and use of Federal funds and the operation of the program as may be required by the Commission. In addition, the section requires that such designated State and local government offices keep and make available such records as the Commission may require for the verification of the reports. Similar requirements apply to organizations receiving training grants.

Review and audit

SEC. 505. This section requires grant recipients, for the purpose of audit and examination by the Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, to permit access to any books, documents, papers, and records that are pertinent to the grants received.

Distribution of grants

SEC. 506. This section provides that the Commission shall allocate grants under this Act in the most equitable fashion among State and between State and local govern-

ments taking into account the population of the recipient jurisdiction, the number of employees affected, the urgency of the program, the need for funds, and the potential of the particular jurisdiction to use the funds most effectively.

Subsection (b) states that 15% of the total funds available for grants in each fiscal year shall be apportioned equally among the States.

Any unused portion of such funds at the end of the fiscal year shall be added to the total available funds for the next succeeding fiscal year. Total payments to any one State in any one fiscal year may not exceed 12½% of the total appropriation for that year.

Termination of grants

SEC. 507. This section authorizes the Commission to terminate payments made by the Commission under the Act to a State or local government whenever it finds, after giving the government concerned reasonable notice and opportunity for a hearing, that a program approved under the Act has been so changed that it no longer complies with the provisions of the Act or that in the operation of the program there is a failure to comply substantially with the provisions of the Act.

The government concerned shall be notified by the Commission of its finding before payments are terminated. The Commission may, however, authorize the continuance of payments to those projects which are not involved in the noncompliance. The Commission is also authorized to resume payments when it is satisfied that such noncompliance has been, or will promptly be, corrected.

Advisory committees

SEC. 508. This section authorizes the Commission to appoint, without regard to the provisions governing appointments in the competitive service, advisory committees to facilitate the administration of this Act.

Subsection (b) provides that members of such committees who are not full-time employees of the United States may be compensated at rates not to exceed the daily rate for GS-18 employees, including travel and per diem, while serving on the business of the committees.

Appropriation authorization

SEC. 509. This section authorizes to be appropriated not more than \$20,000,000 for fiscal year 1970; \$30,000,000 for fiscal year 1971; and \$40,000,000 for fiscal year 1972. Any amounts appropriated shall remain available until expended.

Revolving fund

SEC. 510. This section establishes, within the Commission, a revolving fund for financing functions authorized by the Act to be performed on a reimbursable basis, and such other services as the Commission, with the concurrence of the Bureau of the Budget, determines may be performed more advantageously through such a fund.

The capital of this fund shall consist of appropriations made for this purpose, as well as unexpended balances of appropriations or funds of activities transferred to the fund and the reasonable value of other assets transferred to the fund.

Reimbursements or advance payments made by Federal agencies, the Commission, from State and local governments, or other sources, for supplies and services will be credited to the fund, at rates approximating the expenses of operations.

Unobligated and unexpended funds determined by the Commission to be in excess of amounts needed for its operations shall be deposited in the Treasury as miscellaneous receipts.

Limitations on availability of funds for cost sharing

SEC. 511. This section provides that State

or local governments, in meeting their share of the costs under this Act's grant provisions, may not use Federal funds made available to them under other programs, or funds they have used to meet their share of the costs on other Federally assisted programs, except that Federal funds of a program wholly financed by Federal funds may be used to pay a *pro-rata* share of such cost-sharing.

Method of payment

SEC. 512. This section authorizes the Commission to pay or accept payments under this Act in installments and in advance or by reimbursement. The Commission is authorized to determine the specific method of payment to be employed in a particular case.

Effective date of grant provisions

SEC. 513. This section provides that the effective date of the grant provisions of this Act shall be 180 days after its enactment.

S. 14—INTRODUCTION OF BILL TO PROVIDE FOR THE ESTABLISHMENT OF A COMMISSION ON AFRO-AMERICAN HISTORY AND CULTURE

Mr. SCOTT. Mr. President, on behalf of Senators BAYH, BROOKE, CASE, COOK, GOODELL, HART, HARTKE, HATFIELD, INOUE, JAVITS, MCGEE, MATHIAS, MILLER, MONDALE, MUSKIE, NELSON, PERCY, SCHWEIKER, WILLIAMS of New Jersey, and myself, I introduce for appropriate reference a bill to establish a Commission on Afro-American History and Culture. Congressman SCHEUER, of New York, is introducing a companion measure in the House of Representatives. A similar proposal, H.R. 12962, was approved late in the second session of the last Congress by the House. My bill of last year was approved by the Subcommittee on Arts and Humanities of the Senate Labor and Public Welfare Committee. The imminence of adjournment prevented the 90th Congress from completing action on the legislation.

I am encouraged by the actions taken by the full House and the Senate subcommittee and I feel sure that the proposal to establish a Commission on Afro-American History and Culture will be accepted by this Congress.

The congressional hearings on last year's bill emphasized a black imbalance in American history as taught in our schools as well as in other areas. I do not believe that stepping from total neglect of Negro history into crash programs with short life spans can adequately meet the challenge of dissemination of black history and culture. There must be positive and deliberate programs of research, preservation and dissemination of the black heritage. My proposal to establish a Commission on Afro-American History and Culture can do this. It could be the catalyst which brings better understanding of the total nature of our society to all Americans.

The challenge goes out to all citizens to spread the word that Negroes have made sound contributions to our country. It must be met by those in the communications media, historians, sociologists, and politicians.

The academic community is taking some positive steps by providing studies of African-American history and culture.

For the first time in history a major American university, Yale, is offering a degree in black culture. Seven institutions of higher learning this past summer conducted workshops designed to inform faculty members of available materials in the area of Negro history and culture. However, such workshops are handicapped by the shortage of books, monographs, and research work in this field. Many State colleges, State universities, and land-grant colleges have added a black-American dimension to their curriculum through courses in black history and culture. But there is a need for much more historical data on the Negro in America to add to the substance of curriculum. The scarcity of organized reference material on the black American makes research extremely difficult.

The time is ripe for national leadership in fostering better understanding and knowledge of the contributions of African-Americans and their heritage to American society.

This does not mean just including an African-American history course in school curriculums; it also means highlighting the presence of the Negro in a wide range of activities such as literature, economics, music, or political science as the activity itself is studied or publicized. I believe the Commission will serve best when it performs this task of identifying and dramatizing, in the classroom and out, the black man's contributions to the total American experience. At its best, such an effort will support the long and often tragic struggle of the Negro, himself, to feel a part of this experience.

Mr. President, I ask unanimous consent that the text of my proposal be printed in the RECORD, together with an article which appeared in the Johns Hopkins magazine, summer 1968 issue, entitled "The Burden of Negro History," which will shed further light on this subject. In this article, its author, Hugh Davis Graham, says:

To the degree that classroom courses in Negro history and culture, if taught by competent instructors with a critical sense of responsibility to the evidence, can contribute to both white and black understanding of the legacy of American Negroes, then this is clearly desirable—even urgent.

May I add that a critical sense of responsibility to the evidence by all Americans should and must begin to be woven into every facet of our society, and that this, too, is clearly desirable—even urgent.

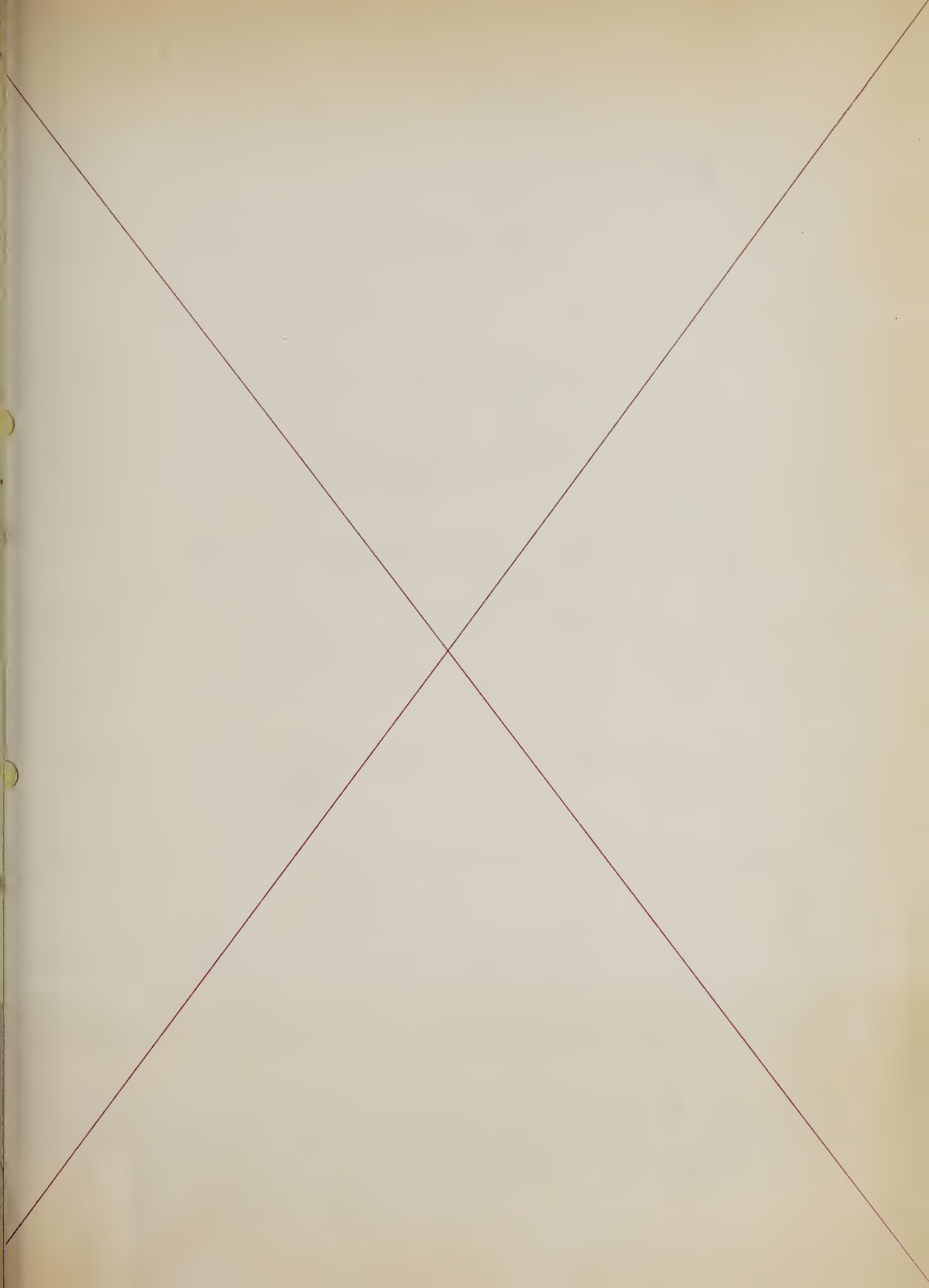
The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and article will be printed in the RECORD.

The bill (S. 14) to provide for the establishment of a Commission on Afro-American History and Culture, introduced by Mr. SCOTT, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 14

A bill to provide for the establishment of a Commission on Afro-American History and Culture

Be it enacted by the Senate and House of Representatives of the United States of Amer-



SENATE

OCT. 18, 1969
9/10A - 1st.

1. LANDS. The Government Operations Committee reported with amendments S. 1, to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs (S. Rept. 91-488). p. S12838
The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 2062, to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law. p. D965
2. PERSONNEL; INTERGOVERNMENTAL COOPERATION. The Government Operations Committee reported with amendments S. 11, to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernment cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government and State and local governments (S. Rept. 91-489). p. S12838
3. APPROPRIATIONS. Passed with amendments H. R. 13763, fiscal 1970 appropriations for the legislative branch (pp. S12958-83). Senate conferees were appointed (p. S12983). House conferees have not been appointed.
Received from the President proposed amendments to the budget for the fiscal year 1970, in the amount of \$4,316,319, for the legislative branch. p. S12838
4. EXPORTS. Began consideration of and made the pending business S. 2696, to provide for continuation of authority for the regulation and expansion of exports. p. S12983
5. LICENSE FEES. The Agriculture and Forestry Committee voted to report (but did not actually report) H. R. 9857, to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee. p. D964
6. MARKETING ORDERS. The Agriculture and Forestry Committee voted to report (but did not actually report) S. 1455, to expand marketing order authority to apples produced in Colo., Utah, N. Mex., Ill., and Ohio. p. D964
7. WATERSHEDS. The "Daily Digest" states that the Agriculture and Forestry Committee approved several watershed projects. p. D964
8. CLAIMS. The Interior and Insular Affairs Committee approved an original resolution calling for referral to the Court of Claims of S. 202, providing that the United States disclaim any interests in certain land within the Carson National Forest, N. Mex. p. D965

91ST CONGRESS }
1st Session }

SENATE

{ REPORT
{ No. 91-489

INTERGOVERNMENTAL PERSONNEL ACT
OF 1969

REPORT
OF THE
COMMITTEE ON GOVERNMENT OPERATIONS
UNITED STATES SENATE
MADE BY ITS
SUBCOMMITTEE ON INTERGOVERNMENTAL
RELATIONS
TO ACCOMPANY
S. 11



OCTOBER 21, 1969.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1969

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THE HISTORY OF THE

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INTERGOVERNMENTAL PERSONNEL ACT OF 1969

OCTOBER 21, 1969.—Ordered to be printed

Mr. MUSKIE, from the Committee on Government Operations
submitted the following

REPORT

[To accompany S. 11]

The Committee on Government Operations, to which was referred the bill (S. 11) to strengthen intergovernmental cooperation and the administration of grant-in-aid programs, to extend State and local merit systems to additional programs financed by Federal funds, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training their employees, to authorize interstate compacts for personnel and training activities, to facilitate the interchange of Federal, State, and local personnel, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

PURPOSE

S. 11, is designed to improve the quality of American government, with particular emphasis given to strengthening State and local governments through improved personnel administration and more efficient recruiting and training of personnel.

S. 11 is almost identical with the bill S. 699, which passed the Senate in the 90th Congress by a substantial majority. House action did not take place however, and the measure died with the adjournment of the 90th Congress.

As reported, S. 11 is a bill consisting of the major points advanced by the earlier measure, S. 699. Both measures were designed to help strengthen State and local governments through improved personnel administration and more efficient recruitment and training of per-

sonnel, particularly in the administrative, technical, and professional categories (APT). As reported, S. 11 is intended to provide the first comprehensive Federal aid program for improving and strengthening State and local personnel administration. It focuses on four basic problems in the public manpower area: the interchange of Federal, State, and local employees; training programs; quality of the public service and merit system requirements; and personnel management.

It is the purpose of the bill to provide for a system of Federal financial and technical assistance and other Federal support to State and local governments on a voluntary basis. It is provided that the authorities granted by the bill shall be employed in a manner designed to encourage innovation and to allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration and their own training programs.

Specifically, the bill seeks to achieve the following ends:

1. To provide for intergovernmental cooperation, through an advisory council appointed by the President, in the development of policies and standards for the administration of programs for improvement of State and local personnel administration and training. The advisory council would report from time to time to the President and to the Congress, and in transmitting to the Congress reports of the advisory council, the President would submit to the Congress proposals of legislation which he deems desirable to carry out recommendations of the advisory council.

2. To authorize the Civil Service Commission to make grants to State and local governments to plan and to make improvements in their systems of personnel administration.

3. To transfer to the Civil Service Commission responsibility for administration of existing Federal statutory provisions requiring merit personnel administration for State and local employees engaged in certain federally assisted programs.

4. To authorize Federal agencies to admit State and local government officials and employees, particularly in administrative, professional, and technical occupations, to Federal training programs. To meet the costs resulting from the admission of State or local employees or officials to such training programs, the Federal agency concerned may use its appropriations or may be reimbursed by State or local governments, or the Civil Service Commission may use its appropriations to reimburse the Federal agency concerned or make advances toward these costs.

5. To authorize Federal agencies administering programs of financial grants or assistance to State or local governments to provide special training for State and local government officials or employees who have responsibilities related to those programs; and permit State and local governments to use appropriate Federal funds to establish training courses for or to pay certain education expenses of their officials or employees who have responsibilities related to the program concerned.

6. To authorize the Civil Service Commission to make grants to State and local governments and other appropriate organizations for carrying out approved plans for training State and local government employees, for the development of such plans by State and local

governments, and for government service fellowships for employees selected for special graduate-level university training.

7. To authorize the Civil Service Commission to join with State and local governments in cooperative recruitment and examining activities and to furnish technical advice and assistance, at the request of State and local governments, to strengthen personnel administration.

8. To give the consent of Congress to interstate compacts designed to improve personnel administration and training for State and local employees.

9. To authorize the temporary exchanging of personnel between the Federal Government and States and local governments.

10. To direct the Civil Service Commission to coordinate activities of Federal agencies in providing training and technical assistance services to State and local governments, so as to avoid duplication of effort and to insure maximum effectiveness of administration.

RELATIONSHIP WITH CURRENT PROGRAMS

In addition to setting up various new programs to strengthen State and local personnel administration, the bill provides for the transfer and coordination of current functions relating to Federal statutory requirements for personnel administration on a merit basis in grant-in-aid programs.

The importance of continuity of operation and close coordination in the administration of intergovernmental personnel functions and the grant programs is to be stressed. A desirable extension of technical assistance can be built upon the efforts and experience of the Department of Health, Education, and Welfare's merit system program in providing assistance on personnel administration in the grant programs, as well as upon the current efforts of the Civil Service Commission in providing technical advice and assistance to State and local governments under the Intergovernmental Cooperation Act of 1968 (Public Law 90-577).

The bill does not provide for extension of the current statutory requirements to other programs—this is to be studied—but does provide for continuity of administration in the current programs. This is achieved by the transfer to the Civil Service Commission of functions of departments now administering merit system provisions in grant programs. The bill provides for continuance of merit system standards issued under the present laws until these standards are modified or superseded by the Civil Service Commission. The transfer of Federal staff relating to State and local personnel administration in grant programs will provide a nucleus for expanded technical assistance. Continued coordination of Federal efforts can be promoted with the use and adaptation of established channels of communication. Continued encouragement of innovation on the part of State and local governments can be combined with new types of support for the development of strengthened administration responsive to State and local needs.

The provisions in the bill for support of training and the establishment of fellowships for State and local employees are supplemental to the various types of support of State and local inservice training and educational leave under various grant-in-aid programs. The bill does

not overlap or limit the training activities under the grant-in-aid programs, but provides for support in fields not covered and for necessary coordination of Federal training activities.

BACKGROUND

The swelling tide of population and the increasing urbanization of the United States are posing tremendous problems to government at all levels. The areas in which these problems arise are well known: slums and commercial blight, inadequate housing, water and air pollution, crime and juvenile delinquency, racial tensions, unemployment and underemployment, traffic congestion, and inequities in education, to mention only some of the major ones.

Citizens are demanding more effective government, better education for their children, more and better roads and public transit facilities, clean and plentiful water, unpolluted air, better police and fire protection, more and better recreation facilities, more and better hospitals, better facilities for the treatment of mental illness, programs for safeguarding economic security, and many others.

The major burden of providing these and other such public services rests with State and local governments. These mushrooming demands, however, generally have been beyond the financial capabilities of the State and local governments to meet, as evidenced by the continually increasing need for and the amount of Federal aid.

In 11 years, total Federal aid to State and local governments have more than quadrupled, rising from \$4.1 billion in 1957 to an estimated \$17.2 billion in 1968.

This aid in recent years has constituted about 15 percent of total State-local revenue and covers a wide variety of activities: from airport construction to urban renewal, from highway construction to public assistance and community development. By a conservative count, there were 162 Federal programs of aid to State and local governments in January 1966. The need of State and local governments for substantial financial assistance is only one of the many facets of the overall problem of meeting the demands of our citizens and of making our population centers fit places to live. Also critical is the fact that many of the States and local governments, now and in the foreseeable future, lack the highly qualified administrative, professional, and technical personnel in the numbers required to plan, innovate, organize, and execute the wide variety of necessary programs.

Between 1955 and 1965, State and local government employment increased from 4.7 to 7.7 million persons. This is a 63-percent increase—a rate of growth four times that of the U.S. economy as a whole and seven times that for Federal employment.

It is estimated that total State and local government employment will rise from 7.7 million in 1965 to a level of approximately 11.4 million by 1975—an increase of 48 percent. Total recruiting needs for administrative, professional, and technical employees (other than teachers) are estimated at 2.5 million persons over the 10-year period—an average of 250,000 a year. This includes both replacement needs and growth. Nothing similar to this critical manpower situation has ever been faced before by State and local governments.

There can be little question, that now and in the future State and local governments must face a serious problem in obtaining and

retaining the large numbers of the high quality administrative, professional, and technical personnel they must have. The general shortage of such trained and talented people throughout the economy will compound this problem.

THE GROWING CONCERN WITH THE PROBLEM

The concern over the problem of trained and talented manpower at all levels of government is not a recent development.

As long ago as 1933, the Social Science Research Council, an autonomous body representing seven national professional societies in the social science field, appointed the Commission of Inquiry on Public Service Personnel to report to the American people on the problem of governmental manpower.

The Commission's report, "Better Government Personnel," concludes with a statement which is remarkably similar to conclusions reached today:

In spite of the vital importance of government and governmental services, American National, State, and local governments do not at the present time attract to their service their full share of the men and women of capacity and character. *This is due primarily to our delay in adjusting our attitudes, institutions, and public personnel policies to fit social and economic changes of the past 70 years.*

Almost 30 years later, in 1962, the Municipal Manpower Commission, after an extensive investigation which included interviews with hundreds of local officials, reported similar findings in its study "Governmental Manpower for Tomorrow's Cities":

The quality of APT (administrative, professional, technical) personnel in local governments today, by and large, is inadequate to cope with present and especially emerging metropolitan problems. * * * The local governments have not attracted at the entry level, a fair share of the ablest young people equipped with intelligence and training to rise to APT positions.

Although the two studies reach similar conclusions, the situation of the labor market, of course, was significantly different at the respective times of these reports. The critical shortage of workers in more recent years—especially those of high training and quality—led the Municipal Manpower Commission to add:

In a significant number of instances, local governments are living on the "fat" of the manpower they were able to recruit during the depression thirties. * * * *The retirement of a large proportion of all department and division heads in the next decade must be expected.*

The Committee on Government Operations has long been concerned with the problem. Through its Subcommittee on Intergovernmental Relations since 1962, it has conducted a continuing investigation of the American Federal system. In its 1965 study, "The Federal System As Seen by Federal Aid Officials: Results of a Questionnaire Dealing With Intergovernmental Relations," the subcommittee points out:

Even the most brilliantly conceived grant-in-aid program will fail to meet its objectives unless there are qualified State and local personnel to carry it out. Intergovernmental personnel matters, then, are of paramount significance.

HEARINGS ON S. 11

On January 15, 1969, Senator Muskie introduced S. 11, the proposed Intergovernmental Personnel Act of 1969, with the following cosponsors: Mr. Anderson, Mr. Bayh, Mr. Brooke, Mr. Byrd of West Virginia, Mr. Dodd, Mr. Ervin, Mr. Gravel, Mr. Hart, Mr. Hatfield, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Kennedy, Mr. McCarthy, Mr. McGee, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Nelson, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Scott, Mr. Tydings, Mr. Yarborough, and Mr. Young of Ohio.

Hearings were held on March 24, 25, 26 and April 1, 1969, by the Subcommittee on Intergovernmental Relations, to consider S. 11. During the hearings 15 witnesses testified, including: U.S. Senators Thomas F. Eagleton (Missouri), Harold E. Hughes (Iowa) and U.S. Representative William J. Randall (Fourth Congressional District, Missouri); Robert E. Hampton, Chairman, U.S. Civil Service Commission, accompanied by Raymond Jacobson, Director of the Bureau of Policies and Standards, and Harold Leich, Chief of Policy Development Division of the Bureau of Policies and Standards; Jean J. Couturier, executive director, National Civil Service League; the Honorable Alex M. Petrovic, judge of the Eastern District County Court, Jackson County, Mo., accompanied by Denton King, assistant county administrator of Jackson County, Mo., and Gerald Laughlin, legislative assistant, National Association of Counties; Dr. John A. Perkins, chairman of the board, Dun & Bradstreet, Inc., and chairman, Committee for Improvement of Management in Government for Economic Development; Allen E. Pritchard, Jr., assistant executive director, National League of Cities; Alan F. Kiepper, city manager, Richmond, Va. (presented by John E. Damerel, personnel director of Richmond); Arthur F. Sampson, secretary of administration and budget secretary, Commonwealth of Pennsylvania, accompanied by George Basich, Office of Federal-State Relations, National Governors' Conference; Dr. Donald C. Stone, dean of Graduate School of Public and International Affairs, University of Pittsburgh; Dr. James A. Norton, president, American Society for Public Administration, and president, Greater Cleveland Associated Foundation; John A. McCart, director, Government Employees Council, AFL-CIO; John F. Griner, national president, American Federation of Government Employees, accompanied by Cark K. Sadler, legislative director; Robert D. Bollard, director of legislation and community affairs, American Federation of State, County, and Municipal Employees, AFL-CIO.

In addition, the subcommittee solicited the views of many who had testified or supplied statements on S. 699 regarding the 1967 legislation.

Statements and communications from U.S. Senators Mike Gravel (Alaska), and Hugh Scott (Pennsylvania), as well as State officials and organizations were received and made a part of the hearing record.

Throughout its consideration of the bills, the subcommittee con-

sulted with organizations concerned with public administration and those representing State, county, and local governments, organizations representing public employees and other public interest groups.

The views expressed in the testimony of witnesses and in communications to the committee were overwhelmingly in support of the objectives of the legislation. They reflect widespread concern among officials of government at every level and among students of public administration over the shortage of personnel properly qualified to carry the responsibilities of modern-day government. Measures to help State and local governments improve their personnel administration and training programs, to provide for greater mobility of professional, administrative, and technical personnel between levels of government, and to promote intergovernmental cooperation in personnel and training matters, all received strong endorsement.

MAJOR ISSUES AND COMMITTEE AMENDMENTS

In its deliberations on the bill, the committee considered a number of major policy questions, posed by differences between the provisions of S. 11 as introduced and points raised in the testimony of witnesses. The decisions reached, as reflected in the provisions of S. 11, as reported, are as follows:

Statement of principles.—The bill includes, in its declaration of policy, a statement of six basic merit principles, and requires programs or projects submitted by State or local governments for Federal assistance under the bill to be consistent with such of these principles as are applicable to the activity undertaken.

In considering these principles, the committee wished it understood that the emphasis of the bill is on Federal assistance to State and local governments in carrying out programs and projects of their own choosing, to improve their personnel administration and training activities, in accordance with these basic, generally accepted principles.

Cost-sharing ratio.—The bill, as amended, provides for a "sliding ratio" of Federal funds to State and/or local funds, beginning at 75-percent Federal and 25-percent State or local matching funds, reduced to 50-50 on an "over the years" basis. The intent is to give the State and local governments the needed breathing spell to produce their own additional revenue sources for the programs undertaken under the bill's provisions.

Certifying responsibility.—The bill, as amended, provides that a proposed grant program must be consistent with the merit principles set forth in the act. Explicit responsibility and authority to certify such consistency is given the office of the Governor. The committee wished it understood that the intergovernmental purposes of the bill assume that extended effort would always be put forth by the State and local governments to assure that the intergovernmental aspects of public personnel programs would be emphasized. The intension is to further encourage the States, and the office of the Governor, to become more actively involved in these areas of policy.

Language was added providing that approval of an application, by the Civil Service Commission, will be based on consistency of the application to the criteria set forth in the bill.

Distribution formula.—S. 11, as introduced, provided that 85 percent of the grant funds would be apportioned among the States according to such factors as size of population, number of employees affected, the urgency of the programs, the need for funds to carry out the purposes of the act, and the potential of the governmental jurisdictions concerned to use the funds most effectively. The bill, as amended, reduces the percentage to 80 percent, and proposes a formula based on the objective factors of population and number of employees affected. The remaining 20 percent would be apportioned under the factors originally set forth in S. 11. The committee wished it understood that the intention of the latter fund source was to provide flexibility in meeting unanticipated emergencies, special needs, regional compact arrangements, and grants to nonprofit organizations to train personnel. Of the funds reserved for each State, no less than 50 percent shall be available for local government programs.

Reallocation of funds among the States.—The bill, as amended, provides funds not obligated by the States for which they are reserved, may be made available for reallocation to States and localities which can use the funds more immediately.

Appropriation.—The bill, as amended, proposes standard appropriation language with no set amounts listed, in order to make it possible to request specific amounts consistent with budgetary requirements for the programs.

Guidelines for administration.—After considering the view of some that Federal assistance for State and local personnel administration might tend to bring about an undesirable degree of uniformity and rigidity in personnel practices, the committee added language providing that the authority granted to the Civil Service Commission shall be employed in such a manner as to encourage innovation and allow for diversity on the part of States and local governments in the design, execution, and management of their own systems of personnel administration.

Language is included providing that the bill shall not be construed to prevent participation by employees or employee organizations in the formulation of policies and procedures affecting the conditions of their employment, subject to the laws and ordinances of the State or local government concerned. The question of the effect of Federal requirements of merit systems on collective bargaining procedures or on existing agreements does not arise, since no such requirements are authorized in the bill.

SECTION-BY-SECTION ANALYSIS

The title sets forth the basic purpose of the bill as a whole and provides that it may be cited as the Intergovernmental Personnel Act of 1969.

Section 2.—This section sets forth the finding and declaration of Congress that since the effectiveness of State, local, and Federal governments are interdependent, it is in the national interest that the quality of public service at all levels of government be improved. This can be achieved through the development of systems of personnel administration consistent with such merit principles as insuring

openness and equity in recruitment, appointment, advancement, retention, and separation; providing equitable and adequate pay scales and benefits; upgrading of skills through training; and insulating employees from partisan political pressures. To this end, Federal financial and technical assistance is in the national interest.

Section 3.—This section provides that the act shall be administered in such a manner that the rights, powers, and responsibilities of State and local governments are fully recognized, and to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

Section 101.—This section sets forth the purpose of the title, which is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this act.

ADVISORY COUNCIL

Section 102.—This section provides for the appointment by the President of an advisory council on intergovernmental personnel policy within 180 days after enactment. This shall be done without adherence to provisions regarding appointments in the competitive service. The President may terminate the council at any time after the expiration of 3 years following its establishment.

Subsection (b) provides that the council, not exceeding 15 members, shall be composed primarily of officials from all levels of government but shall also include members selected from employee organizations, educational institutions, and the general public. At least half its governmental members shall be officials of State and local governments.

Subsection (c) states that it shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of improving personnel administration in State and local governments, strengthening these governments in their training efforts, and in their development of personnel administration systems, and facilitating assignments of personnel between the Federal Government and State and local governments.

Subsection (d) provides that members of this council who are not full-time employees of the Federal Government may be compensated at rates not in excess of the daily rates for GS-18 employees, including travel time and per diem.

REPORTS ON THE ADVISORY COUNCIL

Section 103.—This section provides that the council shall report its findings and recommendations to Congress and the President from time to time.

Subsection (b) states that the initial report is to be made not later than 18 months after the council's establishment, and shall include its views and recommendations on: the feasibility and desirability of extending merit requirements to additional grant-in-aid programs;

appropriate standards for merit personnel administration; and the possible use of financial and other incentives to encourage the development of such comprehensive systems of personnel administration based on merit.

Subsection (c) provides that the President shall propose legislation to Congress which he judges desirable to implement the recommendations of the council.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

Section 201.—This section states the purpose of the title which is to assist State and local governments in strengthening their staffs by improving personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

Section 202.—This section provides that the Civil Service Commission (hereinafter referred to as the Commission) is authorized to make grants to States for up to 75 percent, to be reduced to 50 percent after 3 years, of the costs of developing and implementing programs or projects to strengthen personnel administration which the Commission finds upon certification of the Governor of that State that the programs or projects are consistent with the merit principles set forth in section 2 of the act. Inasmuch as these grants are designed to strengthen personnel administration on the part of State and local governments, the authority provided by this section is to be employed in such manner as to encourage innovation and allow for diversity in the design, execution, and management of such programs by the governments concerned.

Subsection (b) states that, to be approved, an application by a State for a personnel administration grant must provide for designation, by the Governor, of the State office that will have responsibility for the program or project; establishment, where appropriate, or improvement of personnel systems based on principles of merit; specific personnel administration improvement needs of the State; assurance that such a grant will not effect a reduction in pertinent State or local spending; and clear and practical actions for improving such aspects of personnel administration as—

- the establishment of statewide personnel systems to meet the needs of jurisdictions not able to provide such systems for themselves;

- the effecting of State grants to local governments for improved personnel systems;

- the conduct of manpower requirements studies, and remedial action where appropriate;

- The strengthening of one or more of the major areas of personnel administration;

- the conduct of research and demonstration projects by the State and by appropriate nonprofit institutions;

- the strengthening of programs for the disadvantaged and underutilized, as well as shortage category personnel;

- the augmentation of intergovernmental cooperation in all area of personnel administration wherever feasible.

LOCAL GOVERNMENT PROGRAMS AND GRANTS

Section 203.—This section authorizes the Commission to make grants to general local governments, or combinations thereof, that serve a population of 50,000 or more. Funding can be 75 percent, to be reduced to 50 percent after 3 years, of the cost of development and implementation of programs or projects which the Commission finds, upon certification of the Governor of that State, that the programs or projects are consistent with the principles set forth in section 2 of this act. Such a grant may be made only if, at the time the application is submitted, the State concerned does not have an approved application for a grant which adequately covers the particular local government(s) in question.

Such a grant, however, shall not generally be made until the expiration of 1 year from the time the grant provisions of this act become effective. The Commission may waive this 1-year waiting period at the request of the local government(s) concerned, unless the State in which the government(s) are located declares, within 90 days from the effective date of the grant provisions, an intent to file an application for a grant which will include the local government(s).

The Commission may also make grants to local governments, or combinations of governments, which serve a population of less than 50,000, if it finds that this will help them meet essential needs in programs or projects of national interest and will assist such governments in alleviating personnel problems relating to these programs.

The application must be submitted to the designated State office for review. If no such office has been designated, it shall be submitted for this purpose to the Governor. Any comments or recommendations made during this review shall be included with the application, and a statement as to the fact that they have been considered shall also be included by the local government(s), unless it is certified that the application has been so submitted and no comments or recommendations have been made by the State for a 60-day period. If, during the 60-day period the Governor has found the programs or projects inconsistent with section 2 of this act, and sets forth his reasons in writing specifically and in detail, this application may not be submitted to or considered by the Commission.

INTERGOVERNMENTAL COOPERATION IN RECRUITING AND EXAMINING

Section 204.—This section authorizes the Commission to join State and local governments in cooperative recruiting and examining programs on a shared-cost basis, under procedures and regulations to be jointly agreed upon.

Subsection (b) authorizes the Commission to certify to such governments from Federal registers the names of potential employees. Procedures are to be jointly agreed upon, and there must be a written request for such services from the State or local government. The Commission will determine the costs of the operation and reimbursements shall be credited to the appropriation or fund from which the expenses were or are to be paid.

TECHNICAL ASSISTANCE

Section 205.—The Commission is authorized by this section to furnish, on request, technical advice and assistance to State and local governments seeking to improve their systems of personnel administration. The Commission may waive from such governments payments, in whole or in part, for the costs involved in furnishing this assistance.

COORDINATION OF FEDERAL PROGRAMS

Section 206.—This section authorizes the Commission (after consultation with other concerned agencies) to (1) coordinate the personnel administration support and assistance rendered to State and local governments within the terms of this act, and any such support given under other Federal programs; and (2) make the arrangements necessary to avoid duplication and to insure consistent administration of related Federal activities, including the collection, maintenance, and dissemination of data on grants for personnel systems' support and technical assistance.

INTERSTATE COMPACTS

Section 207.—This section gives the consent of Congress for any two or more States to enter into compacts or agreements for cooperative efforts and mutual assistance (including establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of the States concerned and for employees of their local government jurisdictions. Such compacts and agreements must not be in conflict with any Federal laws.

Section 208.—Subsection (a) of this section transfers to the Commission all functions, powers, and duties of any Federal department agency, office, or official (other than the President) that relate to the prescription of personnel standards on a merit basis under any provision of law or regulation that specifically requires the establishment and maintenance of personnel standards on a merit basis for programs financed in whole or in part by Federal grant-in-aid funds.

Subsection (b) of this section directs the Commission to aid State and local governments to comply with the personnel standards prescribed by the Commission under the authorities transferred to it by subsection (a) of this section. Subsection (b) directs the Commission to advise Federal agencies administering grant programs as to the application of such standards and to recommend actions which will most effectively achieve the purposes of this title.

Subsection (c) of this section provides for the transfer from applicable Federal agencies to the Commission, to the extent determined by the Director of the Bureau of the Budget, of the personnel, property, records, unexpended appropriations, allocations, and other funds which are concerned with the functions, powers, and duties transferred to the Commission by section 208(a). It is understood that any personnel engaged in functions transferred will be transferred in accordance with applicable laws and regulations relating to transfer of functions.

Subsections (d) and (e) of this section provide that personnel standards issued by Federal agencies under current laws will remain

in effect until modified or superseded by standards issued under this act; and that standards issued pursuant to this act by the Commission must encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management in their own individual systems of personnel administration.

Subsection (f) states that neither section 202 nor 203 (1) authorize Federal control over any personnel action concerning an individual State or local employee; (2) direct the application of personnel standards to teaching personnel; (3) prevent employees' or their organization's participation in the development of policies and procedures affecting their employment; (4) require or request disclosure of an employee's race, religion or national origin, or that of his forebears; (5) require or request an applicant or an employee to submit to examination on his personal relationship with persons connected by blood or marriage, or concerning his attitude with respect to sexual matters; or require his participation in any activities not related to the performance of official duties.

Subsection (g) provides that section 208 will become effective 60 days after the date of enactment of this act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

Section 301.—This section sets forth the basic purpose of this title, which is to strengthen State and local government programs for the training and development of their employees and officials, particularly those in professional, administrative, and technical occupations.

ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

Section 302.—Subsection (a) of this section authorizes admittance of State and local government employees and officials to training programs established by a Federal agency to train Federal professional, administrative, or technical personnel. The subsection provides that the admittance of State and local employees and officials is subject to such conditions as the head of the Federal agency establishing the training program may prescribe.

Subsection (b) of this section states Federal agencies admitting State and local government employees and officials to their training programs may waive payments for the training from, or on behalf of, State and local governments for the costs of training provided under this section. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

Subsection (c) of this section authorizes the Commission to use appropriations authorized by this act to meet the initial additional developmental or overhead costs incurred because of the admittance of State or local employees to Federal training courses, and to reimburse other Federal agencies for these costs.

TRAINING OF PERSONNEL ENGAGED IN GRANT-IN-AID PROGRAM

Section 303.—This section authorizes any Federal agency that administers a program of grants or financial assistance to State or local

governments to establish, provide, and conduct training programs specifically for State and local government employees and officials who have responsibilities related to the said program. Federal agencies may, to the same extent provide in section 302(b) of this act, accept payments for such training from, or on behalf of, State and local governments, waive such payments, and enter into agreements concerning the payments.

The section further provides that any Federal agency administering a program of grants or financial assistance may authorize a State or local government, from Federal funds available for State or local provide administration expenses, to establish, provide, conduct, and support training and education programs, including fellowship programs providing for full-time graduate-level study, for those of their employees and officials who have responsibilities related to the aided program. Full-time graduate-level fellowship programs, to be approved, must be consistent with the provisions made for Government service fellowships under section 306 of this act.

Section 306 provides that fellowships may not exceed 2 years of full-time graduate-level study for professional, administrative, and technical personnel. Grants made to State and general local governments to support fellowship programs may—

Cover the necessary costs of books, travel and transportation, and such related expenses as may be authorized;

Provide reimbursement to the State or local government for up to 25 percent of the salary of each fellow during the period of the fellowship; and

Cover payment to the educational institution involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable federally supported programs less amounts charged the fellow for tuition and fees.

Section 303 also provides that the State or local government concerned shall select the employee or official to receive the education or training and shall continue his full salary and normal employment benefits during the period of training. State and local governments, however, must make their selections in accordance with such eligibility criteria as may be prescribed by the Federal agency concerned.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

Section 304.—This section authorizes the Commission, if training is not adequately provided for under grant-in-aid or other statutes, to make grants to States and, under certain circumstances, to general local governments to meet up to 75 percent, to be reduced to 50 percent after 3 years, of the cost of developing and carrying out programs certified by the Governor as consistent with the applicable principles of merit outlined in section 2, for training their professional, administrative, and technical employees and officials and approved by the Commission. Such grants may not be used to cover the costs of full-time graduate-level study, which is covered in section 306 of this act, or of the construction or acquisition of training facilities.

The State and local government's share of the costs may include the reasonable value of the facilities and personal services they

provide. The State and local government's share of costs may not, however, consist solely of providing such facilities and services.

An application for a grant shall be made at such time or times, and contain such information as the Commission may prescribe. Subsection (b) sets forth the minimum requirements a State or general local government application for a training program grant must meet in order to be approved by the Commission. The Commission is authorized to waive any of the requirements in a specific justified case. In general, these requirements emphasize the importance of careful planning, a comprehensive approach, strong leadership by the chief executive, interprogram and interjurisdictional coordination, and similar matters. In addition, a State or local government is required to provide assurance that the grant will not result in the reduction of relevant expenditures or the substitution of Federal funds for funds previously made available for these purposes by the State or local government.

The Commission is authorized by subsection (c) to make grants to a general local government serving a population of 50,000 or more, or a combination of such local governments, if within 1 year from the effective date of the grant provisions of this act the State has not submitted and received approval of an application for a training program grant which adequately provides for such local government. The application submitted by the local government must meet requirements similar to those established for State applications unless any requirement is waived by the Commission.

The Commission is authorized to waive the 1-year waiting period and make grants to general local governments if such a government requests the waiver and the State government concerned has not declared, within 90 days of the effective date of the grant provisions of this act, an intent to file an application for a grant that will provide adequately for the training of employees of the local government.

The Commission may also waive the 50,000 population requirement and make grants to smaller general local governments, or combinations of such governments if it finds such grants will meet other essential needs in programs of national interest.

Subsection (d) provides that an application submitted to the Commission under subsection (c) shall first be submitted by the local government(s) to the Governor for review and certification. The Governor may refer the application to the designated State office noted under section 304(b)(1) for review. The application will be accompanied to the Commission by any comments or recommendations received from the above State officials, and by a statement by the local government indicating that such comments have been considered, and the certification of the Governor. However, if a 60-day period should elapse without such review being effected by the above State officials, the local government(s) may certify such fact, and forward the application to the Commission. However, if during the 60-day period, the Governor has found that the programs or projects are not consistent with the applicable principles of this act, he may set forth his reasons for withholding certification in writing and in detail. This application may not be submitted to or be considered by the Commission.

GRANTS TO OTHER ORGANIZATIONS

Section 305.—This section authorizes the Commission to make grants to an organization representing member State or local governments, or an association of State or local officials, as well as non-profit organizations that meet certain requirements specified in this section. These grants may pay up to 75 percent of the costs, to be reduced to 50 percent in 3 years, of providing training to State and local government professional, administrative, or technical employees and officials. To make such grants, the Commission must first find sufficient State or local government interest in the training program and, in addition, must approve the training program as meeting such requirements as may be prescribed by its regulations.

GOVERNMENT SERVICE FELLOWSHIPS

Section 306.—This section authorizes the Commission to make grants to States and general local governments to support programs, approved by the Commission, to provide fellowships for graduate-level study to professional, administrative, and technical employees such State and local governments have selected for this training. The grants may cover the necessary costs of travel and transportation, books, and such related expenses as the Commission may authorize; reimbursement to the State or local government not to exceed one-fourth of the salary of the employee selected for the period of the graduate study, and payment to the educational institutions involved of such amounts as the Commission determines to be consistent with other prevailing practices under comparable federally funded programs, less any amount charged by the institution for tuition and nonrefundable fees and deposits.

A fellowship awarded by a State or general local government to a professional, administrative, or technical employee will be for a period not exceeding 2 years of full-time graduate-level study.

This section provides that the State or general local government will, subject to eligibility criteria prescribed by the Commission, select the individual employee to be awarded a fellowship. The State or general local government must, during the period of the fellowship, continue the full salary and normal employment benefits (such as credit for seniority, leave accrual, retirement, and insurance) to which the recipient of the fellowship is entitled, and outline in the application the plans made for the employer's continued utilization in the public service.

COORDINATION OF FEDERAL PROGRAMS

Section 307.—This section directs the Commission, after consultation with other concerned Federal agencies, to prescribe regulations covering the training provided for in title III of the act. The regulations are to include requirements for coordination of, and reasonable consistency in, the training programs established by the Commission and by other Federal agencies under title III.

In addition, the section directs the Commission, again after consultation with other Federal agencies concerned, to coordinate the training support given State and local governments under this act with that provided under other Federal programs. The Commission is to make such arrangements as needed to avoid duplication among Fed-

eral programs providing for training of State and local government employees and to insure consistent administration of related Federal training activities. The Commission is authorized to collect and maintain appropriate data on Federal agency training grants and programs.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

Section 401.—This section sets forth the purpose of title IV, namely to facilitate intergovernmental cooperation by authorizing temporary assignments of personnel between the Federal Government and State and local governments.

Section 402.—This section adds a new subchapter VI at the end of chapter 33 of title 5 of the United States Code embodying the mobility provisions.

DEFINITIONS

Section 3371 of the new subchapter defines "State" and "local government" for the purpose of this title. These definitions are intended to be broad enough to include any agency of a State or local government at any level; their instrumentalities, including multi-State authorities and intra-State authorities; Federal-State authorities; and the District of Columbia, the Commonwealth of Puerto Rico, and a territory of possession of the United States.

There is no special definition of a Federal agency or a Federal employee in this section. For the purposes of this title a Federal agency would be any executive agency as defined under section 105 of title 5 of the United States Code. The definition of Federal employee would be that which appears in section 2105 of title 5. Uniformed personnel, including those in the Coast Guard, the Public Health Service, and the Coast and Geodetic Survey do not come under its coverage.

GENERAL PROVISIONS

Section 3372.—This section provides the broad framework for establishing mobility programs. It authorizes assignments of employees, with their consent, from one governmental jurisdiction to another for periods up to 2 years. Assignments could be extended by the Federal agency head concerned for not to exceed 2 years. The assignment would have to be for work which the Federal agency head determined would be of mutual benefit to his agency and the State or local jurisdiction concerned. Subchapter (b) authorizes the assignment of an employee of an executive agency to an institution of higher learning, and vice versa. Private as well as public institutions of higher learning would come under the purview of this provision.

ASSIGNMENT OF FEDERAL EMPLOYEES TO STATE OR LOCAL GOVERNMENTS

Section 3373.—This section deals with the assignment of Federal employees to State and local jurisdictions. Under subsection (a) employees could be assigned either on a detail or leave without pay basis, whichever seems most desirable to the agencies involved. Employees serving on a detail basis would be treated as Federal employees for all purposes except that their supervision would be

governed by agreement between the participating agencies. The Federal Tort Claims Act and any other Federal tort liability statute would continue to apply to Federal employees whether on detail or on leave without pay.

Subsection (b) provides that assignments either on a detail or leave without pay basis may be made with or without reimbursement by the State or local government for salary, supplemental salary, and travel and transportation expenses of Federal personnel. Authority would be available for Federal agencies to receive reimbursement from the State or local agency for all or part of the expenses of Federal employees.

Subsection (c) sets the ground rules for assignments of Federal employees to State and local governments on leave without pay. Such personnel would be given State or local government appointments, and their salary would come from State or local funds. However, Federal appropriations would be authorized for certain expenses. If the rate of pay for a State position is less than the rate of pay the Federal employee would have received had he remained at his Federal post, the Federal agency would pay a salary supplement equal to the difference. The supplement would be payable as earned, and would not be conditional on such factors as completion of the full period of assignment.

Employees serving on leave without pay would earn leave at the same rate as they would have earned it had they remained in their regular jobs. Employees would not be authorized to earn leave at a higher rate even if the position they occupied in the State government normally called for a higher earning rate. The determination whether the Federal Government or the State or local government paid for the leave would be arrived at by agreement between the participating agencies.

Federal employees on leave without pay would be entitled to continuation of their retirement, life insurance, and health benefits coverage under the civil service or other applicable systems as long as they currently paid the employee contribution into the appropriate fund or system. The employer contribution would be paid by the Federal agency originating the assignment for all three types of coverage. These personnel would continue to be covered under 5 U.S.C. 8501-8508 relating to unemployment compensation benefits.

Service performed on such assignments on leave without pay would be creditable for Federal salary, retention, retirement, and leave accrual purposes. Such service would also be creditable for early retirement purposes for law enforcement personnel under 5 U.S.C. 8336(c).

There is one circumstance, however, under which Federal health, life insurance, and retirement benefits would not be authorized. That would be when employees or their beneficiaries elected to receive benefits under State or local systems instead. The policy throughout this title is to bar the receipt of dual benefits by Federal employees for any purpose.

Subsection (d)(1) provides that if an employee on leave without pay is injured or killed in the performance of official duty, he or his beneficiary shall be treated for the purpose of injury compensation benefits as if he had been injured or killed while on active duty in his agency. Here, too, the employee or his beneficiary would have a choice between

Federal and State benefits. And if the non-Federal benefit is selected, the employee or his beneficiary would not be entitled to a parallel Federal benefit.

Under subsection (d)(2) an employee who elects to receive State workmen's compensation benefits would not be entitled to Federal disability retirement for the same period.

ASSIGNMENT OF STATE OR LOCAL GOVERNMENT EMPLOYEES

Section 3374.—This section sets forth the conditions for assignment of State and local employees to the Federal Government.

Subsection (a) provides two methods for assigning State and local employees to Federal agencies which are comparable to the two methods authorized for Federal employee assignments to State and local governments. State or local employees could serve either on a detail basis or under a temporary Federal appointment without regard to the provisions governing appointment in the competitive civil service. An employee who is detailed to the Federal Government would remain a State government employee for most purposes. A State employee given a Federal appointment would be treated in the same way as any other temporary Federal employee for most purposes. He would not be entitled to tenure, and his appointment could be terminated at any time by the Federal agency employing him.

Subsection (b) provides that a State employee given a Federal appointment would not come under the coverage of the Civil Service Retirement Act or other applicable retirement systems or the Federal Employee Group Life Insurance Act. He would not be covered under the Federal Employees Health Benefits Act or similar authority unless his Federal appointment resulted in the loss of coverage under a State or local health benefits system.

Subsection (c) is concerned with the status of State and local personnel detailed to a Federal agency. Such personnel would not be entitled to Federal pay, but would be considered Federal employees for the purpose of certain Federal employee laws including those relating to conflict of interest, political activity, failure to account for public money, disclosure of confidential information, lobbying with appropriated funds, and tort claims. In addition, they would be subject to such regulations as the President may prescribe. The supervision of the duties of a State or local detailee would be governed by agreement between the participating agencies. A Federal agency could reimburse a State or local agency for all or part of the salary of a State or local detailee.

Subsection (d) provides that a State or local government employee serving on detail or under Federal appointment who is disabled or dies as a result of personal injury sustained while in the performance of official duty is to be treated as a Federal employee for on-the-job injury compensation benefits. However, as in the case of the Federal employee who is injured serving on a State or local government assignment, the State or local employee or his beneficiary would not be entitled to receive both Federal and State benefits for the same injury.

Subsection (e) provides that if a State or local government fails to continue the employer's contribution to the State or local government retirement, life insurance, and health benefit plans for a State or local government employee under Federal appointment, the employer's

contribution or a part thereof, may be paid by the Federal agency concerned. In these situations, the Federal agency would transmit deposits directly to the State or local government system.

TRAVEL EXPENSES

Section 3375.—This section authorizes the payment of travel, including a per diem allowance for State and local government employees assigned to Federal agencies and Federal employees assigned to State and local governments. This section is intended to be broad enough to provide for the needs of Federal, State, and local employees en route to, from, and during their assignments in either the Federal Government or State and local governments.

The authorizations provided would be available for Federal agency use on a discretionary basis under regulations prescribed by the President.

Subsection (a)(1) provides authority for a Federal agency to pay the costs of travel, including mileage and allowances, and per diem in lieu of subsistence in accordance with subchapter I of chapter 57, title 5, United States Code, of Federal, State, and local employees en route to, from, and during assignment.

Subsection (a)(2) provides authority to pay the travel and transportation expenses of the immediate families of employees assigned to another governmental jurisdiction and return. This includes transportation of household goods and personal effects, packing, crating, temporarily storing and unpacking, etc.

Subsection (a)(3) provides authority to pay a per diem allowance for the immediate family of the employee while en route to and from the assignment location in accordance with section 5724a(a)(1) of title 5 of the United States Code.

Subsection (a)(4) would authorize payment of subsistence expenses for the employee and his immediate family for a period up to 30 days while occupying temporary quarters at the assignment location with section 5724a(a)(3) of title 5.

Subsection (a)(5) provides for the payment of expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location in accordance with section 5726(c) of title 5.

Subsection (b) provides that the expenses specified in subsection (a) may not be allowed unless the employee signs a written agreement to complete the entire period of his assignment or 1 year, whichever is shorter, unless separated for reasons beyond his control. If the agreement is violated, the expenses would be recoverable by the United States. However, an agency head could waive the right of recovery with respect to State or local government employees assigned to his agency.

Subsection (c) authorizes the use of appropriations to transport the remains and personal effects of employees and their dependents who die while on a assignment.

REGULATIONS

Section 3376.—This section sets forth section headings for each of the major provisions of this title, and states that the President may prescribe regulations for the administration of this subchapter.

REPEAL OF SPECIAL AUTHORITIES

Section 403.—This section repeals other employee mobility authorities with the exception of section 314(f) of the Public Health Service Act relating to Commission officers of the Public Health Service.

EFFECTIVE DATE

Section 404.—This section sets the effective date of this title at 60 days after enactment.

TITLE V—GENERAL PROVISIONS

DECLARATION OF PURPOSE

Section 501.—This section sets forth the purpose of this title, which is to provide for the general administration of titles I, II, III, and V of the act, and to provide for the establishment of certain advisory committees.

DEFINITIONS

Section 502.—This section defines, for the purposes of the act, the terms, "Commission", "Federal agency", "State", "local government", and "general local government".

GENERAL ADMINISTRATIVE PROVISIONS

Section 503.—This section provides that, unless otherwise specifically provided, the Commission shall administer the act, and shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of the act.

In the performance of, and with respect to, the functions, powers, and duties vested in it by the act, the Commission is authorized by subsection (c) to issue standards and regulations necessary to carry out the purposes of the act; to consent to the modification of any contract entered into under the act; to include in any such contracts those covenants, conditions, or provisions the Commission deems necessary to assure that the purposes of the act will be achieved; and to enter into agreements with any Federal agency, State or local government, or other public or nonprofit agency or institution, for the use (on a reimbursable, nonreimbursable, or other basis) of their services and facilities.

Subsection (d) authorizes the Commission to collect information from time to time with respect to State and local government training and personnel administration programs under the act; to make such information available to interested public or private groups, organizations, or agencies; and to conduct research and make evaluations as needed for the efficient administration of the act. In addition, subsection (d) requires the Commission to include a report on the administration of the act in its annual report.

Section 503 further provides that the act's provisions are not a limitation on existing authorities under other statutes. Unless specifically provided otherwise, the act's provisions are in addition to such authorities.

REPORTING REQUIREMENTS

Section 504.—This section provides that reports and evaluations shall be made by those State or local government offices designated to administer an approved program under the act. Such reports and evaluations will be made in such form, at such times, and containing such information concerning the status and use of Federal funds and the operation of the program as may be required by the Commission. In addition, the section requires that such designated State and local government offices keep and make available such records as the Commission may require for the verification of the reports. Similar requirements apply to organizations receiving training grants.

REVIEW AND AUDIT

Section 505.—This section requires grant recipients, for the purpose of audit and examination by the Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, to permit access to any books, documents, papers, and records that are pertinent to the grants received.

DISTRIBUTION OF GRANTS

Section 506.—Subsection (a) provides that the Commission shall allocate 20 percent of the amount available for grants under this act in the most equitable fashion among State and between State and local governments taking into account the population of the recipient jurisdiction, the number of employees affected, the urgency of the program, the need for funds, and the potential of the particular jurisdiction to use the funds most effectively.

Subsection (b) states that 80 percent of the total funds available for grants in each fiscal year shall be apportioned as a weighted formula among the States, taking into consideration such factors as size of population and the number of State and local employees affected. The minimum allocation for local governments shall be 50 percent of the amount allocated to the State. Any unused allocations of such funds may be reallocated by the Commission. Total payments to any one State in any one fiscal year may not exceed 12½ percent of the total appropriation for that year.

TERMINATION OF GRANTS

Section 507.—This section authorizes the Commission to terminate payments made by the Commission under the act to a State or local government whenever it finds, after giving the government concerned reasonable notice and opportunity for a hearing, that a program approved under the act has been so changed that it no longer complies with the provisions of the act or that in the operation of the program there is a failure to comply substantially with the provisions of the act.

The government concerned shall be notified by the Commission of its finding before payments are terminated. The Commission may, however, authorize the continuance of payments to those projects which are not involved in the noncompliance. The Commission is

also authorized to resume payments when it is satisfied that such noncompliance has been, or will promptly be, corrected.

ADVISORY COMMITTEES

Section 508.—This section authorizes the Commission to appoint, without regard to the provisions governing appointments in the competitive service, advisory committees to facilitate the administration of this act.

Subsection (b) provides that members of such committees who are not full-time employees of the United States may be compensated at rates not to exceed the daily rate for GS-18 employees, including travel and per diem, while serving on the business of the committees.

APPROPRIATION AUTHORIZATION

Section 509.—This section authorizes such sums to be appropriated as are necessary to carry out the programs authorized by this act without fiscal year limitation.

REVOLVING FUND

Section 510.—This section establishes, within the Commission, a revolving fund for financing functions authorized by the act to be performed on a reimbursable basis, and such other services as the Commission, with the concurrence of the Bureau of the Budget, determines may be performed more advantageously through such a fund

The capital of this fund shall consist of appropriations made for this purpose, as well as unexpended balances of appropriations or funds of activities transferred to the fund and the reasonable value of other assets transferred to the fund. Reimbursements or advance payments made by Federal agencies, the Commission, from State and local governments, or other sources, for supplies and services will be credited to the fund, at rates approximating the expenses of operations.

Unobligated and unexpended funds determined by the Commission to be in excess of amounts needed for its operations shall be deposited in the Treasury as miscellaneous receipts.

LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST SHARING

Section 511.—This section provides that State or local governments, in meeting their share of the costs under this act's grant provisions, may not use Federal funds made available to them under other programs, or funds they have used to meet their share of the costs on other federally assisted programs, except that Federal funds of a program wholly financed by Federal funds may be used to pay a pro rata share of such cost sharing.

METHOD OF PAYMENT

Section 512.—This section authorizes the Commission to pay or accept payments under this act in installments and in advance or by reimbursement. The Commission is authorized to determine the specific method of payment to be employed in a particular case.

EFFECTIVE DATE OF GRANT PROVISIONS

Section 513.—This section provides that the effective date of the grant provisions of this act shall be 180 days after its enactment.

CONFLICTS OF INTEREST—EXEMPTION

Section 514.—This section provides a special exemption from the provisions of section 207 (a) and (b) of title 18, United States Code, relating to conflicts of interest. It provides that nothing in the aforesaid subsections (a) and (b) shall prevent a former officer or employee, including a special Government employee, from acting or appearing personally as agent or attorney for a unit of State or local government, or two or more such units, if (i) the former officer or employee is a full-time officer or employee of such unit or units; and (ii) the head of the department or agency concerned with the matter shall certify that in his opinion the interest of the Government will not be prejudiced by such action or appearance by the former officer or employee.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

The bill repeals the act of August 2, 1956, as amended (7 U.S.C. 1881–1888).

Act of August 2, 1956 (7 U.S.C. 1881–1888)

[Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that the objectives of this Act are to aid in the dissemination of useful information on subjects connected with agriculture and to provide a means whereby the Government of the United States and the several States may better cooperate in problems arising as a result of the interrelationships of their work in the field of agriculture.

[SEC. 2. For the purposes of this Act, the term “Department” shall be deemed to mean United States Department of Agriculture; “Secretary” shall mean Secretary of the United States Department of Agriculture; and “State” shall mean a State, county, city, municipality, land-grant college, or a college or university operated by any State or local government.

[SEC. 3. In carrying out this Act, the Secretary is authorized through cooperative agreements or otherwise to provide for the interchange of employees of the Department and employees of States. The period of assignment under such an interchange arrangement shall not exceed two years.

[SEC. 4. Employees of the Department participating in an exchange of personnel as authorized in section 3 may be considered during such participation to be (1) on detail to a regular work assignment of the Department, or (2) in a status of leave-of-absence from their positions in the Department. Employees who are considered to be detailed

shall be entitled to the same salary and benefits to which they would otherwise be entitled and shall remain employees of the Department for all other purposes except that the supervision of their duties during the period of detail may be governed by agreement between the Department and the State involved. Employees who are in a leave-of-absence status as provided herein shall be carried on leave without pay: *Provided*, That they may be granted annual leave to the extent authorized by law and may be granted authorized sick leave only in circumstances considered by the Secretary to justify approval of such leave. Except as otherwise provided in this Act, such employees shall have the same rights, benefits, and obligations as employees generally who are in such leave status but notwithstanding any other provision of law such employees shall be entitled to credit the period of such assignment (1) toward periodic and longevity step-increases, and (2) upon payment into the retirement fund of the percentage of their State salary which would have been deducted from a like Federal salary for the period of such assignment, to credit such period as service within the meaning of the Civil Service Retirement Act; and they shall also be entitled to continuation of their benefits under the Federal Employee's Group Life Insurance Act of 1954 and the Federal Employees Health Benefits Act of 1959, so long as the Department continues to collect the employee's contribution from the employee and to transmit for timely deposit into the employees' life insurance fund or the employees' health benefits fund, as the case may be, the amount of the employee's contribution, and the Government's contribution from Department appropriations. Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in the performance of duties in connection therewith shall be treated, for the purposes of the Federal Employees' Compensation Act, as amended (5 U.S.C., sec. 790), as though he were an employee, as defined in such Act, who had sustained such injury in the performance of such duty, but shall not receive benefits under that Act for any period for which he elects to receive similar benefits from a State agency.

[SEC. 5. Appropriations of the Department shall be available, in accordance with Standardized Government Travel Regulations, as amended, for the expenses of travel of employees assigned to States on either a detail or leave basis, expenses of transportation of their immediate families and expenses of transportation of their household goods and personal effects to the location of the posts of assignment and for such expenses for the return of employees to their official stations, but shall not be available for expenses of travel of the employees during such period of assignment.

[SEC. 6. Employees of States who are assigned to the Department under authority of this Act may (1) be given appointments in the Department covering the periods of such assignments, or (2) be considered to be on detail to the Department. Appointments of persons so assigned may be made without regard to the civil-service laws or regulations. Persons given appointment in the Department shall be paid at rates of compensation in accordance with the Classification Act of 1949, as amended. State employees who are assigned to the Department without appointment shall not be considered to be

employees of the Department, except as provided in section 7, nor shall they be paid a salary or wage by the Department during the period of their detail. The supervision of the duties of such employees during the assignment may be governed by agreement between the Department and the State involved.

[SEC. 7. (a) Any State employee who is assigned to the Department without appointment shall nevertheless be subject to the provisions of sections 281, 283, 284, 434, 1902, 1905, and 1914 of title 18 of the United States Code and section 99, title 5, of the United States Code.

[(b) Any State employee who is given an appointment while assigned to the Department or who is assigned to the Department without appointment and who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith shall be treated, for the purpose of the Federal Employees' Compensation Act, as amended (5 U.S.C., sec. 790) as though he were an employee, as defined in such Act, who had sustained such injury in the performance of such duty, but shall not receive benefits under that Act for any period for which he elects to receive similar benefits as a State employee.

[SEC. 8. The appropriations of the Department shall be available in accordance with the Standardized Government Travel Regulations, as amended, for the payment of expenses of travel of persons assigned to, but not given appointments by, the Department under authority of this Act during the periods of such assignments on the same basis as if they were employees of the Department.

[Approved August 2, 1956.]

The bill repeals section 507 of the act of April 11, 1965 (20 U.S.C. 867).

§ 507, Act of April 11, 1965 (20 U.S.C. 867)

[INTERCHANGE OF PERSONNEL WITH STATES

[SEC. 507. (a) For the purposes of this section, the term "State" means a State or any agency of a State engaged in activities in the field of education, but it does not include a local educational agency; and the term "Office" means the Office of Education.

[(b) The Commissioner is authorized, through agreements or otherwise, to arrange for assignment of officers and employees of States to the Office and assignment of officers and employees in the Office to States, for work which the Commissioner determines will aid the Office in more effective discharge of its responsibilities as authorized by law, including cooperation with States and the provision of technical or other assistance. The period of assignment of any officer or employee under an arrangement shall not exceed two years.

[(c)(1) Officers and employees in the Office assigned to any State pursuant to this section shall be considered, during such assignment, to be (A) on detail to a regular work assignment in the Office, or (B) on leave without pay from their positions in the Office.

[(2) Persons considered to be so detailed shall remain as officers or employees, as the case may be, in the Office for all purposes, except that the supervision of their duties during the period of detail may be governed by agreement between the Office and the State involved.

[(3) In the case of persons so assigned and on leave without pay—

[(A) if the rate of compensation (including allowances) for their employment by the State is less than the rate of compensation (including allowances) they would be receiving had they continued in their regular assignment in the Office, they may receive supplemental salary payments from the Office in the amount considered by the Commissioner to be justified, but not at a rate in excess of the difference between the State rate and the Office rate; and

[(B) they may be granted annual leave and sick leave to the extent authorized by law, but only in circumstances considered by the Commissioner to justify approval of such leave.

Such officers and employees on leave without pay shall, notwithstanding any other provision of law, be entitled—

[(C) to continuation of their insurance under the Federal Employees' Group Life Insurance Act of 1954, and coverage under the Federal Employees Health Benefits Act of 1959, so long as the Office continues to collect the employee's contribution from the officer or employee involved and to transmit for timely deposit into the funds created under such Acts the amount of the employee's contributions and the Government's contribution from appropriations of the Office; and

[(D) to credit the period of their assignment under the arrangement under this section toward periodic or longevity step increases and for retention and leave accrual purposes, and, upon payment into the civil service retirement and disability fund of the percentage of their State salary, and of their supplemental salary payments, if any, which would have been deducted from a like Federal salary for the period of such assignment and payment by the Commissioner into such fund of the amount which would have been payable by him during the period of such assignment with respect to a like Federal salary, to treat (notwithstanding the provisions of the Independent Offices Appropriation Act, 1959, under the head "Civil Service Retirement and Disability Fund") their service during such period as service within the meaning of the Civil Service Retirement Act;

except that no officer or employee or his beneficiary may receive any benefits under the Civil Service Retirement Act, the Federal Employees Health Benefits Act of 1959, or the Federal Employees' Group Life Insurance Act of 1954, based on service during an assignment hereunder for which the officer or employee or (if he dies without making such election) his beneficiary elects to receive benefits, under any State retirement or insurance law or program, which the Civil Service Commission determines to be similar. The Office shall deposit currently in the funds created under the Federal Employees' Group Life Insurance Act of 1954, the Federal Employees Health Benefits Act of 1959, and the civil service retirement and disability fund respectively, the amount of the Government's contribution under these Acts on account of service with respect to which employee contributions are collected as provided in subparagraph (C) and the amount of the Government's contribution under the Civil Service Retirement Act on account of service with respect to which payments (of the

amount which would have been deducted under that Act) referred to in subparagraph (D) are made to such civil service retirement and disability fund.

[(4) Any such officer or employee on leave without pay who suffers disability or death as a result of personal injury sustained while in the performance of his duty during an assignment hereunder, shall be treated, for the purposes of the Federal Employees' Compensation Act, as though he were an employee, as defined in such Act, who had sustained such injury in the performance of duty. When such person (or his dependents, in case of death) entitled by reason of injury or death to benefits under that Act is also entitled to benefits from a State for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. Such election shall be made within one year after the injury or death or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law.

[(d) Assignment of any officer or employee in the Office to a State under this section may be made with or without reimbursement by the State for the compensation (or supplementary compensation), travel and transportation expenses (to or from the place of assignment), and allowances, or any part thereof, of such officer or employee during the period of assignment, and any such reimbursement shall be credited to the appropriation utilized for paying such compensation, travel or transportation expenses, or allowances.

[(e) Appropriations to the Office shall be available, in accordance with the standardized Government travel regulations, for the expenses of travel of officers and employees assigned to States under an arrangement under this section on either a detail or leave-without-pay basis and, in accordance with applicable law, orders, and regulations, for expenses of transportation of their immediate families and expenses of transportation of their household goods and personal effects, in connection with the travel of such officers and employees to the location of their posts of assignment and their return to their official stations.

[(f) Officers and employees of States who are assigned to the Office under an arrangement under this section may (1) be given appointments in the Office covering the periods of such assignments, or (2) be considered to be on detail to the Office. Appointments of persons so assigned may be made without regard to the civil service laws. Persons so appointed in the Office shall be paid at rates of compensation determined in accordance with the Classification Act of 1949, and shall not be considered to be officers or employees of the Office for the purposes of (1) the Civil Service Retirement Act, (2) the Federal Employees' Group Life Insurance Act of 1954, or (3) unless their appointments result in the loss of coverage in a group health benefits plan whose premium has been paid in whole or in part by a State contribution, the Federal Employees Health Benefits Act of 1959. State officers and employees who are assigned to the Office without appointment shall not be considered to be officers or employees of the office, except as provided in subsection (g), nor shall they be paid a salary or wage by the Office during the period of their assignment. The supervision of the duties of such persons during the assignment may be governed by agreement between the Commissioner and the State involved.

[(g)(1) Any State officer or employee who is assigned to the Office without appointment shall nevertheless be subject to the provisions of sections 203, 205, 207, 208, and 209 of title 18 of the United States Code.

[(2) Any State officer or employee who is given an appointment while assigned to the Office, or who is assigned to the Office without appointment, under an arrangement under this section, and who suffers disability or death as a result of personal injury sustained while in the performance of his duty during such assignment shall be treated, for the purpose of the Federal Employees' Compensation Act, as though he were an employee, as defined in such Act, who had sustained such injury in the performance of duty. When such person (or his dependents, in case of death) entitled by reason of injury or death to benefits under that Act is also entitled to benefits from a State for the same injury or death, he (or his dependents, in case of death) shall elect which benefits he will receive. Such election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law.

[(h) The appropriations to the Office shall be available, in accordance with the standardized Government travel regulations, during the period of assignment and in the case of travel to and from their places of assignment or appointment, for the payment of expenses of travel of persons assigned to, or given appointments by, the Office under an arrangement under this section.

[(i) All arrangements under this section for assignment of officers or employees in the Office to States or for assignments of officers or employees of States to the Office shall be made in accordance with regulations of the Commissioner.]

The bill repeals section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) (except insofar as it applies to commissioned officers of Public Health Service).

42 U.S.C. 246(f) (except insofar as it applies to commissioned officers of PHS)

[(f) Interchange of personnel with States.

[(1) For the purposes of this subsection, the term "State" means a State or a political subdivision of a State, or any agency of either of the foregoing engaged in any activities related to health or designated or established pursuant to subparagraph (A) of paragraph (2) of subsection (a) of this section; the term "Secretary" means (except when used in paragraph (3)(D) the Secretary of Health, Education, and Welfare; and the term "Department" means the Department of Health, Education, and Welfare.

[(2) The Secretary is authorized, through agreements or otherwise, to arrange for assignment of officers and employees of States to the Department and assignment to States of officers and employees in the Department engaged in work related to health, for work which the Secretary determines will aid the Department in more effective discharge of its responsibilities in the field of health as authorized by law, including cooperation with States and the provision of technical or other assistance. The period of assignment of any officer or employee under an arrangement shall not exceed two years.

[(3)(A) Officers and employees in the Department assigned to any State pursuant to this subsection shall be considered, during such assignment, to be (i) on detail to a regular work assignment in the Department, or (ii) on leave without pay from their positions in the Department.

[(B) Persons considered to be so detailed shall remain as officers or employees, as the case may be, in the Department for all purposes, except that the supervision of their duties during the period of detail may be governed by agreement between the Department and the State involved.

[(C) In the case of persons so assigned and on leave without pay—

[(i) if the rate of compensation (including allowances) for their employment by the State is less than the rate of compensation (including allowances) they would be receiving had they continued in their regular assignment in the Department, they may receive supplemental salary payments from the Department in the amount considered by the Secretary to be justified, but not at a rate in excess of the difference between the State rate and the Department rate; and

[(ii) they may be granted annual leave and sick leave to the extent authorized by law, but only in circumstances considered by the Secretary to justify approval of such leave.

Such officers and employees on leave without pay shall, notwithstanding any other provision of law, be entitled—

[(iii) to continuation of their insurance under the Federal Employees' Group Life Insurance Act of 1954, and coverage under the Federal Employees' Health Benefits Act of 1959, so long as the Department continues to collect the employee's contribution from the officer or employee involved and to transmit for timely deposit into the funds created under such Acts the amount of the employee's contributions and the Government's contribution from appropriations of the Department; and

[(iv) (I) in the case of commissioned officers of the Service, to have their service during their assignment treated as provided in section 215(d) of this title for such officers on leave without pay, or (II) in the case of other officers and employees in the Department, to credit the period of their assignment under the arrangement under this subsection toward periodic or longevity step increases and for retention and leave accrual purposes, and, upon payment into the civil service retirement and disability fund of the percentage of their State salary, and of their supplemental salary payments, if any, which would have been deducted from a like Federal salary for the period of such assignment and payment by the Secretary into such fund of the amount which would have been payable by him during the period of such assignment with respect to a like Federal salary, to treat (notwithstanding the provisions of the Independent Offices Appropriation Act, 1959, under the head "Civil Service Retirement and Disability Fund") their service during such period as service within the meaning of the Civil Service Retirement Act;

except that no officer or employee or his beneficiary may receive any benefits under the Civil Service Retirement Act, the Federal Employees Health Benefits Act of 1959, or the Federal Employees' Group Life Insurance Act of 1954, based on service during an assignment

hereunder for which the officer or employee or (if he dies without making such election) his beneficiary elects to receive benefits, under any State retirement or insurance law or program, which the Civil Service Commission determines to be similar. The Department shall deposit currently in the funds created under the Federal Employees' Group Life Insurance Act of 1954, the Federal Employees Health Benefits Act of 1959, and the civil service retirement and disability fund, respectively, the amount of the Government's contribution under these Acts on account of service with respect to which employee contributions are collected as provided in subparagraph (iii) and the amount of the Government's contribution under the Civil Service Retirement Act on account of service with respect to which payments (of the amount which would have been deducted under that Act) referred to in subparagraph (iv) are made to such civil service retirement and disability fund.

[(D) Any such officer or employee on leave without pay (other than a commissioned officer of the service) who suffers disability or death as a result of personal injury sustained while in the performance of his duty during an assignment hereunder, shall be treated, for the purposes of the Federal Employees' Compensation Act, as though he were an employee, as defined in such Act, who had sustained such injury in the performance of duty. When such persons (or his dependents, in case of death) entitled by reason of injury or death to benefits under that Act is also entitled to benefits from a State for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. Such election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law.

[(4) Assignment of any officer or employee in the Department to a State under this subsection may be made with or without reimbursement by the State for the compensation (or supplementary compensation), travel and transportation expenses (to or from the place of assignment), and allowances, or any part thereof, of such officer or employee during the period of assignment, and any such reimbursement shall be credited to the appropriation utilized for paying such compensation, travel or transportation expenses or allowances.

[(5) Appropriations to the Department shall be available, in accordance with the standardized Government travel regulations or, with respect to commissioned officers of the Service, the joint travel regulations, for the expenses of travel of officers and employees assigned to States under an arrangement under this subsection on either a detail or leave-without-pay basis and, in accordance with applicable law, orders, and regulations, for expenses of transportation of their immediate families and expenses of transportation of their household goods and personnel effects, in connection with the travel of such officers and employees to the location of their posts of assignment and their return to their official stations.

[(6) Officers and employees of States who are assigned to the Department under an arrangement under this subsection may (A) be given appointments in the Department covering the periods of such assignments, or (B) be considered to be on detail to the Departments. Appointments of persons so assigned may be made without regard to

the civil service laws. Persons so appointed in the Department shall be paid at rates of compensation determined in accordance with the Classification Act of 1949, and shall not be considered to be officers or employees of the Department for the purposes of (A) the Civil Service Retirement Act, (B) the Federal Employees' Group Life Insurance Act of 1954, or (C) unless their appointments result in the loss of coverage in a group health benefits plan whose premium has been paid in whole or in part by a State contribution, the Federal Employees Health Benefits Act of 1959. State officers and employees who are assigned to the Department without appointment shall not be considered to be officers or employees of the Department, except as provided in subsection (7), nor shall they be paid a salary or wage by the Department during the period of their assignment. The supervision of the duties of such persons during the assignment may be governed by agreement between the Secretary and the State involved.

[(7)(A) Any State officer or employee who is assigned to the Department without appointment shall nevertheless be subject to the provisions of section 203, 205, 207, 208, and 209 of Title 18.

[(B) Any State officer or employee who is given an appointment while assigned to the Department, or who is assigned to the Department without appointment, under an arrangement under this subsection, and who suffers disability or death as a result of personal injury sustained while in the performance of his duty during such assignment shall be treated, for the purpose of the Federal Employees' Compensation Act, as though he were an employee, as defined in such Act, who had sustained such injury in the performance of duty. When such person (or his dependents, in case of death) entitled by reason of injury or death to benefits under that Act is also entitled to benefits from a State for the same injury or death, he (or his dependents, in case of death) shall elect which benefits he will receive. Such election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law.

[(8) The appropriations to the Department shall be available, in accordance with the standardized Government travel regulations, during the period of assignment and in the case of travel to and from their places of assignment or appointment, for the payment of expenses of travel of persons assigned to, or given appointments by, the Department under an arrangement under this subsection.

[(9) All arrangements under this subsection for assignment of officers or employees in the Department to States or for assignment of officers or employees of States to the Department shall be made in accordance with regulations of the Secretary.]

The bill amends title 18, United States Code, section 207(b) as follows:

§ 207. Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners.

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(b) Whoever, having been so employed, within one year after his employment has ceased, appears personally before any court or department or agency of the Government as agent, or attorney for, any one other than the United States in connection with any proceeding,

application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or directly and substantially interested, and which was under his official responsibility as an officer or employee of the Government at any time within a period of one year prior to the termination of such responsibility—

Shall be fined not more than \$10,000 or imprisoned for not more than two years, or both: *Provided*, That nothing in subsection (a) or (b) prevents a former officer or employee, including a former special Government employee, with outstanding scientific or technological qualifications from acting as attorney or agent or appearing personally in connection with a particular matter in a scientific or technological field if the head of the department or agency concerned with the matter shall make a certification in writing, published in the Federal Register, that the national interest would be served by such action or appearance by the former officer or employee [.] : *And provided further*, That nothing in subsection (a) or (b) shall prevent a former officer or employee, including a special Government employee, from acting or appearing personally as agent or attorney for a unit of State or local government, or two or more such units, if (i) the former officer or employee is a full-time officer or employee of such unit or units; and (ii) the head of the department or agency concerned with the matter shall certify that in his opinion the interest of the Government will not be prejudiced by such action or appearance by the former officer or employee.

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91st CONGRESS
1ST SESSION

S. 11

[Report No. 91-489]

IN THE SENATE OF THE UNITED STATES

JANUARY 15 (legislative day, JANUARY 10), 1969

Mr. MUSKIE (for himself, Mr. ANDERSON, Mr. BAYH, Mr. BROOKE, Mr. BYRD of West Virginia, Mr. DODD, Mr. GRAVEL, Mr. HART, Mr. HATFIELD, Mr. HUGHES, Mr. INOUE, Mr. JACKSON, Mr. KENNEDY, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCOTT, Mr. TYDINGS, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) introduced the following bill; which was read twice and referred to the Committee on Government Operations

OCTOBER 21, 1969

Reported by Mr. MUSKIE, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To reinforce the federal system by strengthening the personnel resources of State and local governments, to improve inter-governmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 *That this Act may be cited as the "Intergovernmental Per-*
4 *sonnel Act of 1969".*

5 DECLARATION OF POLICY

6 SEC. 2. The Congress hereby finds and declares—

7 That effective State and local governmental institutions
8 are essential in the maintenance and development of the fed-
9 eral system in an increasingly complex and interdependent
10 society.

11 That, since numerous governmental activities adminis-
12 tered by the State and local governments are related to
13 national purpose and are financed in part by Federal funds,
14 a national interest exists in a high caliber of public service
15 in State and local governments.

16 That the quality of public service at all levels of govern-
17 ment can be improved by the development of systems of
18 personnel administration consistent with such merit prin-
19 ciples as—

20 (1) recruiting, selecting, and advancing employees
21 on the basis of their relative ability, knowledge, and
22 skills, including open consideration of qualified appli-
23 cants for initial appointment;

24 (2) providing equitable and adequate compensa-
25 tion;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

SEC. 3. The authorities provided by this Act shall be administered in such manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments

1 *in the design, execution, and management of their own systems*
2 *of personnel administration.*

3 TITLE I—DEVELOPMENT OF POLICIES AND
4 STANDARDS

5 DECLARATION OF PURPOSE

6 SEC. 101. The purpose of this title is to provide for
7 intergovernmental cooperation in the development of policies
8 and standards for the administration of programs authorized
9 by this Act.

10 ADVISORY COUNCIL

11 SEC. 102. (a) Within one hundred and eighty days
12 following the date of enactment of this Act, the President
13 shall appoint, without regard to the provisions of title 5,
14 United States Code, governing appointments in the com-
15 petitive service, an advisory council on intergovernmental
16 personnel policy. *The President may terminate the council*
17 *at any time after the expiration of three years following its*
18 *establishment.*

19 (b) The advisory council of not to exceed fifteen
20 members, shall be composed primarily of officials of the
21 Federal Government and State and local governments, but
22 shall also include members selected from educational and
23 training institutions or organizations, public employee orga-
24 nizations, and the general public. At least half of the
25 governmental members shall be officials of State and local

1 governments. The President shall designate a Chairman
2 and a Vice Chairman from among the members of the
3 advisory council.

4 (c) It shall be the duty of the advisory council to study
5 and make recommendations regarding personnel policies and
6 programs for the purpose of—

7 (1) improving the quality of public administration
8 at State and local levels of government, particularly in
9 connection with programs that are financed in whole or
10 in part from Federal funds;

11 (2) strengthening the capacity of State and local
12 governments to deal with complex problems confronting
13 them;

14 (3) aiding State and local governments in training
15 their professional, administrative, and technical em-
16 ployees and officials;

17 (4) aiding State and local governments in develop-
18 ing systems of personnel administration that are respon-
19 sive to the goals and needs of their programs and effec-
20 tive in attracting and retaining capable employees; and

21 (5) facilitating temporary assignments of personnel
22 between the Federal Government and State and local
23 governments and institutions of higher education.

24 (d) Members of the advisory council who are not regu-
25 lar full-time employees of the United States, while serving

1 on the business of the council, including travel time, may
2 receive compensation at rates not exceeding the daily rate
3 for GS-18; and while so serving away from their homes or
4 regular places of business, all members may be allowed travel
5 expenses, including per diem in lieu of subsistence, as author-
6 ized by section 5703 of title 5, United States Code, for
7 individuals in the Government service employed intermit-
8 tently.

9 REPORTS OF ADVISORY COUNCIL

10 SEC. 103. (a) The advisory council on intergovern-
11 mental personnel policy shall from time to time report to the
12 President and to the Congress its findings and recom-
13 mendations.

14 (b) Not later than eighteen months after its establish-
15 ment, the advisory council shall submit an initial report on its
16 activities, which shall include its views and recommenda-
17 tions on—

18 (1) the feasibility and desirability of extending
19 merit policies and standards to additional Federal-State
20 grant-in-aid programs;

21 (2) the feasibility and desirability of extending
22 merit policies and standards to grant-in-aid programs of
23 a Federal-local character;

24 (3) appropriate standards for merit personnel ad-
25 ministration, where applicable, including those estab-

lished by regulations with respect to existing Federal grant-in-aid programs; and

(4) the feasibility and desirability of financial and other incentives to encourage State and local governments in the development of comprehensive systems of personnel administration based on merit principles.

(c) In transmitting to the Congress reports of the advisory council, the President shall submit to the Congress proposals of legislation which he deems desirable to carry out the recommendations of the advisory council.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

DECLARATION OF PURPOSE

SEC. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

SEC. 202. (a) The United States Civil Service Commission (hereinafter referred to as the "Commission") is authorized to make grants to States for up to 75 per centum of the costs of developing and of carrying out programs or projects which the Commission finds a State for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of

1 *the grant provisions of this Act, for up to 50 per centum)*
2 *of the costs of developing and carrying out programs or*
3 *projects, on the certification of the Governor of that State*
4 *that the programs or projects are consistent with the ap-*
5 *plicable principles set forth in clauses (1)–(6) of the*
6 *third paragraph of section 2 of this Act, to strengthen State*
7 *and local government personnel administration and to fur-*
8 *nish needed personnel administration services to local govern-*
9 *ments in that State. The authority provided by this section*
10 *shall be employed in such a manner as to encourage inno-*
11 *vation and allow for diversity on the part of State and local*
12 *governments in the design, execution, and management of*
13 *their own systems of personnel administration.*

14 (b) An application for a grant shall be made at such
15 time or times, and contain such information, as the Com-
16 mission may prescribe. The Commission may make a grant
17 under subsection (a) of this section only if the application
18 thereof—

19 (1) provides for designation, by the Governor or
20 chief executive authority, of the State office that will
21 have primary authority and responsibility for the devel-
22 opment and administration of the approved program or
23 project at the State level;

24 (2) provides for the establishment of merit per-
25 sonnel administration where appropriate and the further

1 improvement of existing systems based on merit prin-
2 ciples;

3 (3) provides for specific personnel administration
4 improvement needs of the State government and, to the
5 extent appropriate, of the local governments in that
6 State, including State personnel administration services
7 for local governments;

8 (4) provides assurance that the making of a Fed-
9 eral Government grant will not result in a reduction in
10 relevant State or local government expenditures or the
11 substitution of Federal funds for State or local funds
12 previously made available for these purposes; and

13 (5) sets forth clear and practicable actions for the
14 improvement of particular aspects of personnel admin-
15 istration such as—

16 (A) establishment of statewide personnel sys-
17 tems of general or special functional coverage to
18 meet the needs of urban, suburban, or rural govern-
19 mental jurisdictions that are not able to provide
20 sound career services, opportunities for advance-
21 ment, adequate retirement and leave systems, and
22 other career inducements to well-qualified profes-
23 sional, administrative, and technical personnel;

24 (B) making State grants to local governments

1 to strengthen their staffs by improving their person-
2 nel administration;

3 (C) assessment of State and local government
4 needs for professional, administrative, and technical
5 manpower, and the initiation of timely and appropri-
6 ate action to meet such needs;

7 (D) strengthening one or more major areas of
8 personnel administration, such as recruitment and
9 selection, training and development, and pay admin-
10 istration;

11 (E) undertaking research and demonstration
12 projects to develop and apply better personnel ad-
13 ministration techniques, including both projects con-
14 ducted by State and local government staffs and
15 projects conducted by colleges or universities or
16 other appropriate nonprofit organizations under
17 grants or contracts;

18 (F) strengthening the recruitment, selection,
19 assignment, and development of handicapped per-
20 sons, women, and members of disadvantaged groups
21 whose capacities are not being utilized fully;

22 (G) achieving the most effective use of scarce
23 professional, administrative, and technical man-
24 power; and

25 (H) increasing intergovernmental cooperation

1 in personnel administration, with respect to such
2 matters as recruiting, examining, pay studies, train-
3 ing, education, personnel interchange, manpower
4 utilization, and fringe benefits.

5 LOCAL GOVERNMENT PROGRAMS AND GRANTS

6 SEC. 203. (a) The Commission is authorized to make
7 grants to ~~general local governments, or combinations of such~~
8 ~~governments, that serve a population of fifty thousand or~~
9 ~~more, for up to 75 per centum of the cost of developing and~~
10 ~~carrying out programs or projects which the Commission~~
11 ~~finds a general local government, or a combination of general~~
12 ~~local governments, that serve a population of fifty thousand~~
13 ~~or more, for up to 75 per centum (or, with respect to fiscal~~
14 ~~years commencing after the expiration of three years follow-~~
15 ~~ing the effective date of the grant provisions of this Act, for up~~
16 ~~to 50 per centum) of the costs of developing and carrying~~
17 ~~out programs or projects, on the certification of the Governor~~
18 ~~of that State that the programs or projects are consistent~~
19 ~~with the applicable principles set forth in clauses (1)–(6)~~
20 ~~of the third paragraph of section 2 of this Act, to strengthen~~
21 ~~the personnel administration of such governments. Such a~~
22 ~~grant may be made only if, at the time of submission of an~~
23 ~~application, the State concerned does not then currently~~
24 ~~have an approved application for a grant adequately provid-~~

ing, in the judgment of the Commission, for assistance in strengthening the personnel administration of that local government or combination of local governments. However, such a grant, except as provided in subsection (b) (1) of this section, may not be made until the expiration of one year from the effective date of the grant ~~provisions, as provided in~~ *section 513 provisions* of this Act.

(b) An application for a grant from a general local government or a combination of general local governments shall be made at such time or times and shall contain such information as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor meets requirements similar to those established in section 202 (b) of this Act for a State application for a grant, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (c) of this section. Such a grant may cover the costs of developing the program or project covered by the application. The Commission may—

(1) waive, at the request of a general local government or combination of such governments, the one-year waiting period, unless the State concerned declares, within ninety days from the effective date of the grant ~~provisions, as provided in~~ *section 513 provisions* of this Act, an intent to file an application for a grant that will

1 provide adequately for assistance to the local government
2 or governments; and

3 (2) make grants to general local governments, or
4 combinations of such governments, that serve a popu-
5 lation of less than fifty thousand, if it finds that such
6 grants will help meet essential needs in programs or
7 projects of national interest and will assist general local
8 governments experiencing special problems in personnel
9 administration related to such programs or projects.

10 (c) An application to be submitted to the Commission
11 under subsection (b) of this section shall first be submitted
12 by the general local government or governments to the State
13 office designated under section ~~202(b)(1)~~ of this Act for
14 review, except that, if no State office has been so designated,
15 such application shall be submitted to the Governor for his
16 review. Any comments and recommendations of the State
17 office or of the Governor, as the case may be, and a state-
18 ment by the general local government or governments that
19 such comments and recommendations have been considered
20 prior to its formal submission will accompany the application
21 to the Commission. However, the application need not be
22 accompanied by such comments and recommendations and
23 by such a statement if the general local government or gov-
24 ernments certify that the application has been before the
25 State office or the Governor, as the case may be, for review

1 for a period of sixty days without comments or recommenda-
2 tions on the application being made by that office; combina-
3 tion of such governments to the Governor for review and
4 certification that the programs or projects are consistent with
5 the applicable principles set forth in clauses (1)-(6) of
6 the third paragraph of section 2 of this Act. The Governor
7 may refer the application to the State office designated under
8 section 202(b)(1) of this Act for review. Comments and
9 recommendations (if any) made as a result of the review,
10 a statement by the general local government or combination
11 of such governments that it has considered the comments
12 and recommendations, and the certification of the Governor
13 shall accompany the application to the Commission. The ap-
14 plication need not be accompanied by the certification of the
15 Governor if the general local government or combination of
16 such governments certifies to the Commission that the appli-
17 cation has been before the Governor for review and certifica-
18 tion for a period of sixty days without certification by the
19 Governor. However, if during such sixty-day period the
20 Governor (1) has found that the programs or projects are
21 not consistent with the applicable principles set forth in clauses
22 (1)-(6) of the third paragraph of section 2 of this Act and
23 (2) has set forth in writing the reasons, specifically and in
24 detail, therefor, the application may not be submitted to, or
25 be considered by, the Commission.

1 INTERGOVERNMENTAL COOPERATION IN RECRUITING AND
2 EXAMINING

3 SEC. 204. (a) The Commission may join, on a shared-
4 costs basis, with State and local governments in cooperative
5 recruiting and examining activities under such procedures
6 and regulations as may jointly be agreed upon.

7 (b) The Commission also may, on the written request
8 of a State or local government and under such procedures as
9 may be jointly agreed upon, certify to such governments
10 from appropriate Federal registers the names of potential
11 employees. The State or local government making the re-
12 quest shall pay the Commission for the costs, as determined
13 by the Commission, of performing the service, and such pay-
14 ments shall be credited to the appropriation or fund from
15 which the expenses were or are to be paid.

16 TECHNICAL ASSISTANCE

17 SEC. 205. The Commission may furnish technical advice
18 and assistance, on request, to State and general local govern-
19 ments seeking to improve their systems of personnel admin-
20 istration. The Commission may ~~accept from such govern-~~
21 ~~ments payments, in whole or in part, waive, in whole or in~~
22 ~~part, payments from such governments~~ for the costs of fur-
23 nishing such assistance. All such payments shall be credited
24 to the appropriation or fund from which the expenses were
25 or are to be paid.

COORDINATION OF FEDERAL PROGRAMS

SEC. 206. The Commission, after consultation with other agencies concerned, shall—

(1) coordinate the personnel administration support and technical assistance given to State and local governments and the support given State programs or projects to strengthen local government personnel administration, including the furnishing of needed personnel administration services and technical assistance, under authority of this Act with any such support given under other Federal programs; and

(2) make such arrangements, including the collection, maintenance, and dissemination of data on grants for strengthening State and local government personnel administration and on grants to States for furnishing needed personnel administration services and technical assistance to local governments, as needed to avoid duplication and insure consistent administration of related Federal activities.

INTERSTATE COMPACTS

SEC. 207. The consent of the Congress is hereby given to any two or more States to enter into compacts or other agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance (including the establishment of appropriate agencies) in con-

1 nection with the development and administration of per-
 2 sonnel and training programs for employees and officials of
 3 State and local governments.

4 TRANSFER OF FUNCTIONS

5 SEC. 208. (a) There are hereby transferred to the
 6 Commission all functions, powers, and duties of—

7 (1) the Secretary of Agriculture under section
 8 10 (e) (2) of the Food Stamp Act of 1964 (7 U.S.C.
 9 2019 (e) (2)) ;

10 (2) the Secretary of Labor under—

11 (A) the Act of June 6, 1933, as amended (29
 12 U.S.C. 49 et seq.) ; and

13 (B) section 303 (a) (1) of the Social Security
 14 Act (42 U.S.C. 503 (a) (1)) ;

15 (3) the Secretary of Health, Education, and Wel-
 16 fare under—

17 (A) sections 134 (a) (6) and 204 (a) (6) of
 18 the Mental Retardation Facilities and Community
 19 Health Centers Construction Act of 1963 (42
 20 U.S.C. 2674 (a) (6) and 2684 (a) (6)) ;

21 (B) section 303 (a) (5) of the Older Ameri-
 22 cans Act of 1965 (42 U.S.C. 3023 (a) (5)) ;

23 (C) sections 314 (a) (2) (F) and (d) (2)
 24 (F) and 604 (a) (8) of the Public Health Service

Act (42 U.S.C. 246 (a) (2) (F) and (d) (2) (F)
and 291d (a) (8)) ; and

~~(D) sections 2(a)(5), 402(a)(5), 503(a)(3), 513(a)(3), 1002(a)(5), 1402(a)(5), 1602(a)(5), and 1902(a)(4) of the Social Security Act (42 U.S.C. 302(a)(5), 602(a)(5), 703(a)(3), 713(a)(3), 1202(a)(5), 1352(a)(5), 1382(a)(5), and 1396a(a)(4)); and~~

(D) sections 2(a)(5)(A), 402(a)(5)(A), 505(a)(3)(A), 1002(a)(5)(A), 1402(a)(5)(A), 1602(a)(5)(A), and 1902(a)(4)(A) of the Social Security Act (42 U.S.C. 302(a)(5)(A), 602(a)(5)(A), 705(a)(3)(A), 1202(a)(5)(A), 1352(a)(5)(A), 1382(a)(5)(A), and 1396a(a)(4)(A)); and

(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grant-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program;

insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) The Commission shall—

(1) provide consultation and technical advice and

1 assistance to State and local governments to aid them in
2 complying with standards prescribed by the Commission
3 under subsection (a) of this section; and

4 (2) advise Federal agencies administering pro-
5 grams of grants or financial assistance as to the applica-
6 tion of required personnel administration standards, and
7 recommend and coordinate the taking of such actions
8 by the Federal agencies as the Commission considers
9 will most effectively carry out the purpose of this title.

10 (c) So much of the personnel, property, records, and
11 unexpended balances of appropriations, allocations, and other
12 funds of any Federal agency employed, used, held, available,
13 or to be made available in connection with the functions,
14 powers, and duties vested in the Commission by this section
15 as the Director of the Bureau of the Budget shall determine
16 shall be transferred to the Commission at such time or times
17 as the Director shall direct.

18 (d) Personnel standards prescribed by Federal agencies
19 under laws and regulations referred to in subsection (a) of
20 this section shall continue in effect until modified or super-
21 seded by standards prescribed by the Commission under
22 subsection (a) of this section.

23 (e) Any standards or regulations established pursuant
24 to the provisions of this section shall be such as to encourage
25 innovation and allow for diversity on the part of State and

1 local governments in the design, execution, and management
2 of their own individual systems of personnel ad-
3 ministration.

4 (f) Nothing in this section or in section 202 or 203 of
5 this Act shall be construed to—

6 (1) authorize any agency or official of the Federal
7 Government to exercise any authority, direction, or con-
8 trol over the selection, assignment, advancement, reten-
9 tion, compensation, or other personnel action with re-
10 spect to any individual State or local employee;

11 (2) authorize the application of personnel stand-
12 ards on a merit basis to the teaching personnel of edu-
13 cational institutions or school systems;

14 (3) prevent participation by employees or em-
15 ployee organizations in the formulation of policies and
16 procedures affecting the conditions of their employment,
17 subject to the laws and ordinances of the State or local
18 government concerned;

19 (4) require or request any State or local govern-
20 ment employee to disclose his race, religion, or national
21 origin, or the race, religion, or national origin, of any of
22 his forebears;

23 (5) require or request any State or local govern-
24 ment employee, or any person applying for employment

as a State or local government employee, to submit to any interrogation or examination or to take any psychological test or any polygraph test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters; or

(6) require or request any State or local government employee to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(g) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 301. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

1 ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

2 SEC. 302. (a) In accordance with such conditions as
3 may be prescribed by the head of the Federal agency con-
4 cerned, a Federal agency may admit State and local govern-
5 ment employees and officials to agency training programs
6 established for Federal professional, administrative, or tech-
7 nical personnel.

8 (b) Federal agencies are authorized to receive pay-
9 ments from, or on behalf of, State and local governments for
10 the costs of training provided under this section, and to enter
11 into agreements with them for this purpose. The head of the
12 Federal agency concerned may waive all or part of such pay-
13 ments: *may waive, in whole or in part, payments from, or*
14 *on behalf of, State and local governments for the costs of*
15 *training provided under this section.* Payments received by
16 the Federal agency concerned for training under this sec-
17 tion shall be credited to the appropriation or fund used for
18 paying the training costs.

19 (c) The Commission may use appropriations authorized
20 by this Act to pay the *initial* additional developmental or
21 overhead costs that are incurred by reason of admittance
22 of State and local government employees to Federal training
23 courses and to reimburse other Federal agencies for such
24 costs.

1 TRAINING OF PERSONNEL ENGAGED IN GRANT-IN-AID
2 PROGRAMS

3 SEC. 303. (a) Any Federal agency administering a
4 program of grants or financial assistance to State or local
5 governments may—

6 (1) establish, provide, and conduct training pro-
7 grams for employees and officials of State and local gov-
8 ernments who have responsibilities related to the feder-
9 ally aided program, and, ~~to the same extent provided in~~
10 ~~section 302(b) of this Act, receive or waive and receive~~
11 *or waive, in whole or in part,* payments for such training
12 and credit any such payments to the appropriation or
13 fund used for paying the training costs; and

14 (2) authorize State and local governments—

15 (A) from Federal funds available for State or
16 local program administration expenses under grants
17 or financial assistance; or

18 (B) from other Federal grant or financial as-
19 sistance funds when so provided in appropriation or
20 other Acts;

21 to establish, conduct, provide, and support training and edu-
22 cation programs for their employees and officials who have
23 responsibilities related to the federally aided program, in-
24 cluding internship, work-study, fellowship, and similar pro-

grams if approved by the Federal agency concerned, provided that full-time, graduate-level education supported under this subsection shall be consistent with provisions made for Government Service Fellowships under section 306 of this Act.

(b) The State or local government concerned shall—

(1) in accordance with eligibility criteria prescribed by the Federal agency concerned, select the individual employees and officials to receive education and training in programs established under this section; and

(2) during the period of the education or training, continue the full salary of the employee or official concerned and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

SEC. 304. (a) If in its judgment training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and general local governments for up to 75 per centum of the cost of developing and carrying out training and education programs for their professional, administrative, and technical employees and officials, which the Commission finds are consistent with the applicable principles set forth in clauses (1)–(6) or the third paragraph of section 2

1 of this Act. (or, with respect to fiscal years commencing
2 after the expiration of three years following the effective
3 date of the grant provisions of this Act, for up to 50 per
4 centum) of the costs of developing and carrying out pro-
5 grams, on the certification of the Governor of that State
6 that the programs are consistent with the applicable prin-
7 ciples set forth in clauses (1)-(6) of the third paragraph
8 of section 2 of this Act, to train and educate their profes-
9 sional, administrative, and technical employees and officials.
10 Such grants may not be used to cover costs of full-time
11 graduate-level study, provided for in section 306 of this Act,
12 or the costs of the construction or acquisition of training fa-
13 cilities. The State and local government share of the cost of
14 developing and carrying out training and education plans and
15 programs may include, but shall not consist solely of, the
16 reasonable value of facilities and of supervisory and other
17 personal services made available by such governments. The
18 authority provided by this section shall be employed in such
19 a manner as to encourage innovation and allow for diversity
20 on the part of State and local governments in developing
21 and carrying out training and education programs for their
22 personnel.

23 (b) An application for a grant from a State or general
24 local government shall be made at such time or times, and

1 shall contain such information, as the Commission may pre-
2 scribe. The Commission may make a grant under subsection
3 (a) of this section, only if the application therefor meets
4 requirements established by this subsection unless any re-
5 quirement is specifically waived by the Commission. Such
6 grant to a State, or to a general local government under sub-
7 section (c) of this section, may cover the costs of developing
8 the program covered by the application. The program cov-
9 ered by the application shall—

10 (1) provide for designation, by the Governor or
11 chief executive authority, of the State office that will
12 have primary authority and responsibility for the devel-
13 opment and administration of the program at the State
14 level;

15 (2) provide, to the extent feasible, for coordination
16 with relevant training available under or supported by
17 other Federal Government programs or grants;

18 (3) provide for training needs of the State govern-
19 ment and of local governments in that State;

20 (4) provide, to the extent feasible, for intergovern-
21 mental cooperation in employee training matters, espe-
22 cially within metropolitan or regional areas; and

23 (5) provide assurance that the making of a Federal
24 Government grant will not result in a reduction in
25 relevant State or local government expenditures or the

substitution of Federal funds for State or local funds previously made available for these purposes.

(c) A grant authorized by subsection (a) of this section may be made to a general local government, or a combination of such governments, that serves a population of fifty thousand or more only if, at the time of the submission of an application, the State concerned does not then currently have an approved application for a grant adequately providing, in judgment of the Commission, for training of employees of that local government or combination of local governments. However, such a grant, except as further provided in this subsection, may not be made until the expiration of one year from the effective date of the grant provisions of this Act. To be approved, an application for a grant under this subsection must meet requirements similar to those established in subsection (b) of this section for State applications, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (d) of this section. The Commission may—

(1) waive, at the request of a general local government or a combination of such governments, the one-year waiting period provided under subsection (c) of this section unless the State concerned declares, within ninety days from the effective date of the grant provisions of this Act, an intent to file an application for a

1 grant that will provide adequately for the training of
2 employees of the general local government or govern-
3 ments; and

4 (2) make grants to general local governments, or
5 combinations of such governments that serve a popu-
6 lation of less than fifty thousand if it finds that such
7 grants will help meet essential needs in programs or
8 projects of national interest and will assist general local
9 governments experiencing special needs for personnel
10 training and education related to such programs or
11 projects.

12 (d) An application to be submitted to the Commission
13 under subsection (c) of this section shall first be submitted
14 by the general local government or governments to the State
15 office designated under section 304(b)-(1) of this Act for
16 review; except that, if no State office has been so designated,
17 such application shall be submitted to the Governor for his
18 review. Any comments and recommendations of such State
19 office or the Governor, as the case may be, and a statement
20 by the general local government or governments that such
21 comments and recommendations have been considered prior
22 to its formal submission will accompany the application to the
23 Commission. However, the application need not be accom-
24 panied by such comments and recommendations and by such
25 a statement if the general local government or governments

1 certify that the application has been before such State office
2 or the Governor, as the case may be, for review for a period
3 of sixty days without comments or recommendations on the
4 application being made by that office. combination of such
5 governments to the Governor for review and certification that
6 the programs or projects are consistent with the applicable
7 principles set forth in clauses (1)–(6) of the third paragraph
8 of section 2 of this Act. The Governor may refer the applica-
9 tion to the State office designated under section 304(b)(1)
10 of this Act for review. Comments and recommendations (if
11 any) made as a result of the review, a statement by the
12 general local government or combination of such governments
13 that it has considered the comments and recommendations,
14 and the certification of the Governor shall accompany the
15 application to the Commission. The application need not be
16 accompanied by the certification of the Governor if the general
17 local government or combination of such governments certifies
18 to the Commission that the application has been before the
19 Governor for review and certification for a period of sixty
20 days without certification by the Governor. However, if
21 during such sixty-day period the Governor (1) has found
22 that the programs or projects are not consistent with the
23 applicable principles set forth in clauses (1)–(6) of the
24 third paragraph of section 2 of this Act and (2) has set

1 *forth in writing the reasons, specifically and in detail,*
 2 *therefor, the application may not be submitted to, or be con-*
 3 *sidered by, the Commission.*

4 GRANTS TO OTHER ORGANIZATIONS

5 SEC. 305. (a) The Commission is authorized to make
 6 grants to other organizations to pay up to 75 per centum of
 7 *(or, with respect to fiscal years commencing after the expira-*
 8 *tion of three years following the effective date of the grant*
 9 *provisions of this Act, up to 50 per centum)* of the costs
 10 of providing training to professional, administrative, or
 11 technical employees and officials of State or local govern-
 12 ments if the Commission—

13 (1) finds substantial State and local government in-
 14 terest in the proposed program; and

15 (2) approves the program as meeting such re-
 16 quirements as may be prescribed by the Commission in
 17 its regulations pursuant to this Act.

18 (b) For the purpose of this section “other organization”
 19 means—

20 (1) a national, regional, statewide, areawide, or
 21 metropolitan organization, representing member State or
 22 local governments;

23 (2) an association of State or local public officials;
 24 or

25 (3) a nonprofit organization one of whose principal

functions is to offer professional advisory, research, development, educational or related services to governments.

GOVERNMENT SERVICE FELLOWSHIPS

SEC. 306. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government Service Fellowships for State and local government personnel. The grants may cover—

(1) the necessary costs of the fellowship recipient's books, travel, and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable federally supported programs for each fellow, less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria

1 for the selection of fellowship recipients by State and local
2 governments.

3 (c) The State or local government concerned shall—

4 (1) select the individual recipients of the fellow-
5 ships;

6 (2) during the period of the fellowship, continue
7 the full salary of the recipient and normal employment
8 benefits such as credit for seniority, leave accrual, retire-
9 ment, and insurance; and

10 (3) make appropriate plans for the utilization and
11 continuation in public service of employees completing
12 fellowships and outline such plans in the application for
13 the grant.

14 COORDINATION OF FEDERAL PROGRAMS

15 SEC. 307. The Commission, after consultation with
16 other agencies concerned, shall—

17 (1) prescribe regulations concerning administration
18 of training for employees and officials of State and local
19 governments provided for in this title, including require-
20 ments for coordination of and reasonable consistency in
21 such training programs;

22 (2) coordinate the training support given to State
23 and local governments under authority of this Act with
24 training support given such governments under other
25 Federal programs; and

(3) make such arrangements, including the collection and maintenance of data on training grants and programs, as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 402. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

“SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

“§ 3371. Definitions

“For the purpose of this subchapter—

“(1) ‘State’ means—

“(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

“(B) an instrumentality or authority of a State

1 or States as defined in subparagraph (A) of this
2 paragraph (1) and a Federal-State authority or
3 instrumentality; and

4 “(2) ‘local government’ means—

5 “(A) any political subdivision, instrumentality,
6 or authority of a State or States as defined in sub-
7 paragraph (A) of paragraph (1); and

8 “(B) any general or special purpose agency of
9 such a political subdivision, instrumentality, or
10 authority.

11 “§ 3372. General provisions

12 “(a) On request from or with the concurrence of a
13 State or local government, and with the consent of the em-
14 ployee concerned, the head of an executive agency may
15 arrange for the assignment of—

16 “(1) an employee of his agency to a State or local
17 government; and

18 “(2) an employee of a State or local government
19 to his agency;

20 for work of mutual concern to his agency and the State or
21 local government that he determines will be beneficial to
22 both. The period of an assignment under this subchapter may
23 not exceed two years. However, the head of an executive
24 agency may extend the period of assignment for not more
25 than two additional years.

1 “(b) This subchapter is authority for and applies to the
2 assignment of—

3 “(1) an employee of an executive agency to an
4 institution of higher education; and

5 “(2) an employee of an institution of higher educa-
6 tion to an executive agency.

7 **“§ 3373. Assignment of employees to State and local gov-
8 ernments**

9 “(a) An employee of an executive agency assigned to
10 a State or local government under this subchapter is deemed,
11 during the assignment, to be either—

12 “(1) on detail to a regular work assignment in his
13 agency; or

14 “(2) on leave without pay from his position in the
15 agency.

16 An employee assigned either on detail or on leave without
17 pay remains an employee of his agency. The Federal Tort
18 Claims Act and any other Federal tort liability statute apply
19 to an employee so assigned. The supervision of the duties of
20 an employee on detail may be governed by agreement
21 between the executive agency and the State or local govern-
22 ment concerned.

23 “(b) The assignment of an employee of an executive
24 agency either on detail or on leave without pay to a State
25 or local government under this subchapter may be made with

1 or without reimbursement by the State or local government
2 for the travel and transportation expenses to or from the place
3 of assignment and for the pay, or supplemental pay, or a
4 part thereof, of the employee during assignment. Any reim-
5 bursements shall be credited to the appropriation of the
6 executive agency used for paying the travel and transporta-
7 tion expenses or pay.

8 “(c) For an employee so assigned and on leave with-
9 out pay—

10 “(1) if the rate of pay for his employment by the
11 State or local government is less than the rate of pay he
12 would have received had he continued in his regular
13 assignment in the agency, he is entitled to receive supple-
14 mental pay from the agency in an amount equal to the
15 difference between the State or local government rate
16 and the agency rate;

17 “(2) he is entitled to annual and sick leave to the
18 same extent as if he had continued in his regular assign-
19 ment in the agency; and

20 “(3) he is entitled, notwithstanding other
21 statutes—

22 “(A) to continuation of his insurance under
23 chapter 87 of this title, and coverage under chapter
24 89 of this title or other applicable authority, so long
25 as he pays currently into the Employee’s Life In-

1 surance Fund and the Employee's Health Benefits
2 Fund or other applicable health benefits system
3 (through his employing agency) the amount of the
4 employee contributions;

5 “(B) to credit the period of his assignment un-
6 der this subchapter toward periodic step-increases,
7 retention, and leave accrual purposes, and, on pay-
8 ment into the Civil Service Retirement and Disabil-
9 ity Fund or other applicable retirement system of the
10 percentage of his State or local government pay, and
11 of his supplemental pay, if any, that would have
12 been deducted from a like agency pay for the
13 period of the assignment and payment by the execu-
14 tive agency into the fund or system of the amount
15 that would have been payable by the agency during
16 the period of the assignment with respect to a like
17 agency pay, to treat (notwithstanding section 8348
18 (g) of this title) his service during that period as
19 service of the type performed in the agency imme-
20 diately before his assignment; and

21 “(C) for the purpose of subchapter I of chapter
22 85 of this title, to credit the service performed during
23 the period of his assignment under this subchapter
24 as Federal service, and to consider his State or local

1 government pay (and his supplemental pay, if any)
2 as Federal wages. To the extent that the service
3 could also be the basis for entitlement to unemploy-
4 ment compensation under a State law, the employee
5 may elect to claim unemployment compensation on
6 the basis of the service under either the State law or
7 subchapter I of chapter 85 of this title.

8 However, an employee or his beneficiary may not receive
9 benefits referred to in subparagraphs (A) and (B) of this
10 paragraph (3), based on service during an assignment under
11 this subchapter for which the employee or, if he dies without
12 making such an election, his beneficiary elects to receive
13 benefits, under any State or local government retirement or
14 insurance law or program, which the Civil Service Commis-
15 sion determines to be similar. The executive agency shall
16 deposit currently in the Employee's Life Insurance Fund,
17 the Employee's Health Benefits Fund or other applicable
18 health benefits system, respectively, the amount of the Gov-
19 ernment's contributions on account of service with respect to
20 which employee contributions are collected as provided in
21 subparagraphs (A) and (B) of this paragraph (3).

22 “(d) (1) An employee so assigned and on leave with-
23 out pay who dies or suffers disability as a result of personal
24 injury sustained while in the performance of his duty during
25 an assignment under this subchapter shall be treated, for the
26 purpose of subchapter I of chapter 81 of this title, as though

1 he were an employee as defined by section 8101 of this title
2 who had sustained the injury in the performance of duty.
3 When an employee (or his dependents in case of death) en-
4 titled by reason of injury or death to benefits under subchap-
5 ter I of chapter 81 of this title is also entitled to benefits from
6 a State or local government for the same injury or death, he
7 (or his dependents in case of death) shall elect which bene-
8 fits he will receive. The election shall be made within one
9 year after the injury or death, or such further time as the
10 Secretary of Labor may allow for reasonable cause shown.
11 When made, the election is irrevocable unless otherwise pro-
12 vided by law.

13 “(2) An employee who elects to receive benefits from a
14 State or local government may not receive an annuity under
15 subchapter ~~H~~ *III* of chapter 83 of this title and benefits from
16 the State or local government for injury or disability to him-
17 self covering the same period of time. This provision does
18 not—

19 “(A) bar the right of a claimant to the greater
20 benefit conferred by either the State or local govern-
21 ment or subchapter III of chapter 83 of this title for
22 any part of the same period of time;

23 “(B) deny to an employee an annuity accruing to
24 him under subchapter III of chapter 83 of this title on
25 account of service performed by him; or

1 “(C) deny any concurrent benefit to him from the
2 State or local government on account of the death of
3 another individual.

4 “§ 3374. Assignments of employees from State or local
5 governments

6 “(a) An employee of a State or local government who
7 is assigned to an executive agency under an arrangement
8 under this subchapter may—

9 “(1) be appointed in the executive agency with-
10 out regard to the provisions of this title governing ap-
11 pointment in the competitive service for the agreed
12 period of the assignment; or

13 “(2) be deemed on detail to the executive agency.

14 “(b) An employee given an appointment is entitled to
15 pay in accordance with chapter 51 and subchapter III of
16 chapter 53 of this title or other applicable law, and is
17 deemed an employee of the executive agency for all pur-
18 poses except—

19 “(1) subchapter III of chapter 83 of this title or
20 other applicable retirement system;

21 “(2) chapter 87 of this title; and

22 “(3) chapter 89 of this title or other applicable
23 health benefits system unless his appointment results in
24 the loss of coverage in a group health benefits plan the

premium of which has been paid in whole or in part by a State or local government contribution.

“(c) During the period of assignment, a State or local government employee on detail to an executive agency—

“(1) is not entitled to pay from the agency;

“(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, section 638a of title 31, and the Federal Tort Claims Act and any other Federal tort liability statute; and

“(3) is subject to such regulations as the President may prescribe.

The supervision of the duties of such an employee may be governed by agreement between the executive agency and the State or local government concerned. A detail of a State or local government employee to an executive agency may be made with or without reimbursement by the executive agency for the pay, or a part thereof, of the employee during the period of assignment.

“(d) A State or local government employee who is given an appointment in an executive agency for the period of the assignment or who is on detail to an executive

1 agency and who suffers disability or dies as a result of
2 personal injury sustained while in the performance of his
3 duty during the assignment shall be treated, for the purpose
4 of subchapter I of chapter 81 of this title, as though he
5 were an employee as defined by section 8101 of this title
6 who had sustained the injury in the performance of duty.
7 When an employee (or his dependents in case of death)
8 entitled by reason of injury or death to benefits under sub-
9 chapter I of chapter 81 of this title is also entitled to
10 benefits from a State or local government for the same
11 injury or death, he (or his dependents in case of death)
12 shall elect which benefits he will receive. The election
13 shall be made within 1 year after the injury or death, or
14 such further time as the Secretary of Labor may allow
15 for reasonable cause shown. When made, the election is
16 irrevocable unless otherwise provided by law.

17 “(e) If a State or local government fails to continue
18 the employer’s contribution to State or local government
19 retirement, life insurance, and health benefit plans for a
20 State or local government employee who is given an ap-
21 pointment in an executive agency, the employer’s con-
22 tributions covering the State or local government employee’s
23 period of assignment, or any part thereof, may be made
24 from the appropriations of the executive agency concerned.

1 “§ 3375. Travel expenses

2 “(a) Appropriations of an executive agency are avail-
3 able to pay, or reimburse, a Federal or State or local gov-
4 ernment employee in accordance with—

5 “(1) subchapter I of chapter 57 of this title, for
6 the expenses of—

7 “(A) ~~travel and per diem instead of subsist-~~
8 ~~ence travel, including a per diem allowance,~~ to and
9 from the assignment location;

10 “(B) ~~per diem instead of subsistence~~ *a per*
11 *diem allowance* at the assignment location during
12 the period of the assignment; and

13 “(C) ~~travel and per diem instead of subsistence~~
14 *travel, including a per diem allowance,* while travel-
15 ing on official business away from his designated
16 post of duty during the assignment when the head
17 of the executive agency considers the travel in the
18 interest of the United States;

19 “(2) section 5724 of this title, for the expenses of
20 transportation of his immediate family and of his house-
21 hold goods and personal effects to and from the assign-
22 ment location;

23 “(3) section 5724a(a)(1) of this title, for the
24 expenses of per diem allowances for the immediate

1 family of the employee to and from the assignment
2 location;

3 “(4) section 5724a (a) (3) of this title, for sub-
4 sistence expenses of the employee and his immediate
5 family while occupying temporary quarters at the assign-
6 ment location and on return to his former post of duty;
7 and

8 “(5) section 5726 (c) of this title, for the expenses
9 of nontemporary storage of household goods and per-
10 sonal effects in connection with assignment at an isolated
11 location.

12 “(b) Expenses specified in subsection (a) of this sec-
13 tion, other than those in paragraph (1) (C), may not be
14 allowed in connection with the assignment of a Federal or
15 State or local government employee under this subchapter,
16 unless and until the employee agrees in writing to complete
17 the entire period of his assignment or one year, whichever
18 is shorter, unless separated or reassigned for reasons beyond
19 his control that are acceptable to the executive agency con-
20 cerned. If the employee violates the agreement, the money
21 spent by the United States for these expenses is recoverable
22 from the employee as a debt due the United States. The
23 head of the executive agency concerned may waive in
24 whole or in part a right of recovery under this subsection

1 with respect to a State or local government employee on
2 assignment with the agency.

3 “(c) Appropriations of an executive agency are avail-
4 able to pay expenses under section 5742 of this title with
5 respect to a Federal or State or local government employee
6 assigned under this subchapter.

7 **“§ 3376. Regulations**

8 “The President may prescribe regulations for the ad-
9 ministration of this subchapter.”

10 (b) The analysis of chapter 33 of title 5, United States
11 Code, is amended by inserting the following at the end
12 thereof:

“SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

“Sec.

“3371. Definitions.

“3372. General provisions.

“3373. Assignments of employees to State or local governments.

“3374. Assignments of employees from State or local governments.

“3375. Travel expenses.

“3376. Regulations.”

13 **REPEAL OF SPECIAL AUTHORITIES**

14 SEC. 403. The Act of August 2, 1956, as amended (7
15 U.S.C. 1881–1888), section 507 of the Act of April 11, 1965
16 (20 U.S.C. 867), and section 314 (f) of the Public Health
17 Service Act (42 U.S.C. 246 (f)) (less applicability to com-
18 missioned officers of the Public Health Service) are hereby
19 repealed.

1 SEC. 404. This title shall become effective sixty days
2 after the date of enactment of this Act.

3 TITLE V—GENERAL PROVISIONS

4 DECLARATION OF PURPOSE

5 SEC. 501. The purpose of this title is to provide for the
6 general administration of titles I, II, III, and V of this Act
7 (hereinafter referred to as “this Act”), and to provide for
8 the establishment of certain advisory committees.

9 DEFINITIONS

10 SEC. 502. For the purpose of this Act—

11 (1) “Commission” means the United States Civil
12 Service Commission;

13 (2) “Federal agency” means an executive depart-
14 ment, military department, independent establishment,
15 or agency in the executive branch of the Government of
16 the United States, including Government owned or con-
17 trolled corporations;

18 (3) “State” means a State of the United States, the
19 District of Columbia, the Commonwealth of Puerto Rico,
20 and a territory or possession of the United States, and
21 includes interstate and Federal-interstate agencies but
22 does not include the governments of the political sub-
23 divisions of a State; and

24 (4) “local government” means a city, town, county,
25 or other subdivision or district of a State, including agen-

1 cies, instrumentalities, and authorities of any of the fore-
2 going and any combination of such units or combination
3 of such units and a State. A “general local government”
4 means a city, town, county, or comparable general-pur-
5 pose political subdivision of a State.

6 GENERAL ADMINISTRATIVE PROVISIONS

7 SEC. 503. (a) Unless otherwise specifically provided,
8 the Commission shall administer this Act.

9 (b) The Commission shall furnish such advice and as-
10 sistance to State and local governments as may be necessary
11 to carry out the purposes of this Act.

12 (c) In the performance of, and with respect to, the
13 functions, powers, and duties vested in it by this Act, the
14 Commission may—

15 (1) issue such standards and regulations as may
16 be necessary to carry out the purposes of this Act;

17 (2) consent to the modification of any contract en-
18 tered into pursuant to this Act, such consent being sub-
19 ject to any specific limitations of this Act;

20 (3) include in any contract made pursuant to this
21 Act such covenants, conditions, or provisions as it deems
22 necessary to assure that the purposes of this Act will
23 be achieved; and

24 (4) utilize the services and facilities of any Federal
25 agency, any State or local government, and any other

1 public or nonprofit agency or institution, on a reim-
2 bursable basis or otherwise, in accordance with agree-
3 ments between the Commission and the head thereof.

4 (d) In the performance of, and with respect to the
5 functions, powers, and duties vested in it by this Act, the
6 Commission—

7 (1) may collect information from time to time with
8 respect to State and local government training programs
9 and personnel administration improvement programs and
10 projects under this Act, and make such information
11 available to interested groups, organizations, or agencies,
12 public or private;

13 (2) may conduct such research and make such eval-
14 uation as needed for the efficient administration of this
15 Act; and

16 (3) shall include in its annual report a report of
17 the administration of this Act.

18 (e) The provisions of this Act are not a limitation on
19 existing authorities under other statutes but are in addition
20 to any such authorities, unless otherwise specifically pro-
21 vided in this Act.

22 REPORTING REQUIREMENTS

23 SEC. 504. (a) A State or local government office desig-
24 nated to administer a program or project under this Act shall
25 make reports and evaluations in such form, at such times,

1 and containing such information concerning the status and
2 application of Federal funds and the operation of the ap-
3 proved program or project as the Commission may require,
4 and shall keep and make available such records as may be
5 required by the Commission for the verification of such
6 reports and evaluations.

7 (b) An organization which receives a training grant
8 under section 305 of this Act shall make reports and evalua-
9 tions in such form, at such times, and containing such infor-
10 mation concerning the status and application of Federal
11 grant funds and the operation of the training program as the
12 Commission may require, and shall keep and make available
13 such records as may be required by the Commission for the
14 verification of such reports and evaluations.

15 REVIEW AND AUDIT

16 SEC. 505. The Commission, the head of the Federal
17 agency concerned, and the Comptroller General of the United
18 States, or any of their duly authorized representatives, shall
19 have access, for the purpose of audit and examination, to
20 any books, documents, papers, and records of a grant recip-
21 ient that are pertinent to the grant received.

22 DISTRIBUTION OF GRANTS

23 SEC. 506. (a) The Commission shall allocate *20 per*
24 *centum of the total amount available for grants* under this
25 Act in such manner as will most nearly provide an equitable

1 distribution of the grants among States and between State
2 and local governments, taking into consideration such factors
3 as the size of the population, number of employees affected,
4 the urgency of the programs or projects, the need for funds
5 to carry out the purposes of this Act, and the potential of
6 the governmental jurisdictions concerned to use the funds
7 most effectively.

8 ~~(b)~~ In each fiscal year, 15 per centum of the total
9 amount available for grants under this Act shall be appor-
10 tioned equally among the States and the amount apportioned
11 for each State shall be reserved for programs or projects in
12 that State. However, any amount so reserved but not used
13 in any fiscal year shall be added to the total amount avail-
14 able for grants under this Act in the next succeeding fiscal
15 year. For the purpose of this subsection, "State" means the
16 several States of the United States, and the District of
17 Columbia.

18 *(b) (1) The Commission shall allocate 80 per centum of*
19 *the total amount available for grants under this Act among*
20 *the States on a weighted formula taking into consideration*
21 *such factors as the size of population and the number of State*
22 *and local government employees affected.*

23 *(2) The amount allocated for each State under para-*
24 *graph (1) of this subsection shall be further allocated by the*
25 *Commission to meet the needs of both the State government*

1 and the local governments within the State on a weighted
2 formula taking into consideration such factors as the number
3 of State and local government employees and the amount of
4 State and local government expenditures. The Commission
5 shall determine the categories of employees and expenditures
6 to be included or excluded, as the case may be, in the number
7 of employees and amount of expenditures. The minimum allo-
8 cation for meeting needs of local governments in each State
9 (other than the District of Columbia) shall be 50 per centum
10 of the amount allocated for the State under paragraph (1)
11 of this subsection.

12 (3) The amount of any allocation under paragraph
13 (2) of this subsection which the Commission determines, on
14 the basis of information available to it, will not be used to
15 meet needs for which allocated shall be available for use to
16 meet the needs of the State government or local governments
17 in that State, as the case may be, on such date or dates as the
18 Commission may fix.

19 (4) The amount allocated for any State under paragraph
20 (1) of this subsection which the Commission determines, on the
21 basis of information available to it, will not be used shall
22 be available for reallocation by the Commission from time
23 to time, on such date or dates as it may fix, among other States
24 with respect to which such a determination has not been made.
25 in accordance with the formula set forth in paragraph (1)

1 of this subsection, but with such amount for any of such other
 2 States being reduced to the extent it exceeds the sum the Com-
 3 mission estimates said State needs and will be able to use;
 4 and the total of such reductions shall be similarly reallocated
 5 among the States whose proportionate amounts were not so
 6 reduced.

7 (5) For the purposes of this subsection, "State" means
 8 the several States of the United States and the District of
 9 Columbia.

10 (c) Notwithstanding the other provisions of this section,
 11 the total of the payments from the appropriations for any
 12 fiscal year under this Act made with respect to programs
 13 or projects in any one State may not exceed an amount equal
 14 to $12\frac{1}{2}$ per centum of such appropriation.

15 TERMINATION OF GRANTS

16 SEC. 507. Whenever the Commission, after giving rea-
 17 sonable notice and opportunity for hearing to the State or
 18 general local government concerned, finds—

19 (1) that a program or project has been so changed
 20 that it no longer complies with the provisions of this
 21 Act; or

22 (2) that in the operation of the program or project
 23 there is a failure to comply substantially with any such
 24 provision;

25 the Commission shall notify the State or general local gov-

ernment of its findings and no further payments may be made to such government by the Commission until it is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Commission may authorize the continuance of payments to those projects approved under this Act which are not involved in the noncompliance.

ADVISORY COMMITTEES

SEC. 508. (a) The Commission may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committee or committees as it may determine to be necessary to facilitate the administration of this Act.

(b) Members of advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees including traveltime may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

APPROPRIATION AUTHORIZATION

SEC. 509. (a) To carry out the programs authorized by this Act, there are authorized to be appropriated at any time after its enactment not to exceed \$20,000,000 for fiscal

1 year 1970; \$30,000,000 for fiscal year 1971; and \$40,000,-
2 000 for fiscal year 1972.

3 (b) Any amounts appropriated under this section shall
4 remain available until expended, and any amounts author-
5 ized for any fiscal year under this section but not appro-
6 priated may be appropriated for any succeeding fiscal year
7 commencing prior to July 1, 1972. *There are authorized to*
8 *be appropriated, without fiscal year limitation, such sums as*
9 *may be necessary to carry out the programs authorized by*
10 *this Act.*

11 REVOLVING FUND

12 SEC. 510. (a) There is established a revolving fund, to
13 be available without fiscal year limitation, for financing
14 training and such other functions as are authorized or required
15 to be performed by the Commission on a reimbursable basis
16 by this Act and such other services as the Commission, with
17 the approval of the Bureau of the Budget, determines may
18 be performed more advantageously through such a fund.

19 (b) The capital of the fund shall consist of any appro-
20 priations made for the purpose of providing capital (which
21 appropriations are hereby authorized), and such unexpended
22 balances of appropriations or funds relating to the activities
23 transferred to the fund and the fair and reasonable value
24 of such stocks of supplies, equipment, and other assets and
25 inventories on order as the Commission may transfer to the

1 fund, less the related liabilities, unpaid obligations, and
 2 accrued annual leave of employees who are transferred to
 3 the activities financed by the fund at its inception.

4 ~~(e)~~ The fund shall be credited with—

5 ~~(1)~~ reimbursements or advance payments from
 6 available funds of the Commission, other Federal agen-
 7 cies, State or local governments, or other sources for
 8 supplies and services at rates which will approximate
 9 the expense of operations, including the accrual of
 10 annual leave, the depreciation of equipment, and the
 11 net losses on property transferred or donated; and

12 ~~(2)~~ receipts from sales or exchanges of property
 13 and payments for losses or damage to property ac-
 14 counted for under the fund.

15 ~~(d)~~ Any unobligated and unexpended balance in the
 16 fund that the Commission determines to be in excess of
 17 amounts needed for its operations shall be deposited in the
 18 Treasury as miscellaneous receipts. *Section 1304(e) of title*
 19 *5, United States Code, is amended to read as follows:*

20 “(c) (1) A revolving fund is available to the Commission
 21 without fiscal year limitation for financing—

22 “(A) investigations, training, and such other func-
 23 tions and services as the Commission is authorized or
 24 required to perform on a reimbursable basis; and

25 “(B) such other functions and services as the Com-

1 mission, with the approval of the Bureau of the Budget,
2 determines may be financed more advantageously through
3 the fund, and to the maximum extent feasible, each indi-
4 vidual activity shall be conducted generally on an actual
5 cost basis over a reasonable period of time.

6 “(2) The capital of the fund consists of the aggre-
7 gate of—

8 “(A) appropriations made to provide capital for the
9 fund, which appropriations are hereby authorized; and

10 “(B) the sum of the fair and reasonable value of
11 such supplies, equipment, and other assets as the Com-
12 mission from time to time transfers to the fund (includ-
13 ing the amount of unexpended balances of appropriations
14 or funds relating to activities the financing of which is
15 transferred to the fund) less the amount of related lia-
16 bilities, the amount of unpaid obligations, and the value
17 of accrued annual leave of employees, which are attrib-
18 utable to the activities the financing of which is trans-
19 ferred to the fund.

20 “(3) The fund shall be credited with—

21 “(A) reimbursements and advance payments from
22 available funds of the Commission, other agencies, or
23 State or local governments, or from other sources, for
24 those services and supplies provided at rates estimated

1 by the Commission as adequate to recover expenses of
2 operation, including provision for accrued annual leave
3 of employees, the depreciation of equipment, and the
4 net losses on property transferred or donated to the
5 fund; and

6 “(B) receipts from sales or exchanges of property,
7 and payments for loss or damage to property, accounted
8 for under the fund.

9 “(4) Any unobligated and unexpended balances in the
10 fund that the Commission determines to be in excess of the
11 amounts needed for activities financed by the fund shall be
12 deposited in the Treasury of the United States as miscellane-
13 ous receipts.”

14 (b) Section 1304(f) of title 5, United States Code, is
15 amended by striking out “investigations made” and insert-
16 ing “investigations, training, and functions performed” in
17 place thereof.

18 (c) The fund referred to in the amendment made by
19 subsection (a) of this section shall be held and considered
20 to be the same fund as that referred to in section 1304(e)
21 of title 5, United States Code, as in existence immediately
22 prior to such amendment, and the capital thereof immediately
23 following such amendment shall be the same as that immediately
24 prior to such amendment.

1 LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST

2 SHARING

3 SEC. 511. Federal funds made available to State or
4 local governments under other programs may not be used
5 by the State or local government for cost-sharing purposes
6 under grant provisions of this Act, except that Federal
7 funds of a program financed wholly by Federal funds
8 may be used to pay a pro-rata share of such cost sharing.
9 State or local government funds used for cost sharing
10 on other federally assisted programs may not be used for
11 cost sharing under grant provisions of this Act.

12 METHOD OF PAYMENT

SEC. 512. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as the Commission may determine, with necessary adjustments on account of overpayments or underpayments.

17 EFFECTIVE DATE OF GRANT PROVISIONS

18 SEC. 513. Grant provisions of this Act shall become
19 effective one hundred and eighty days following the date
20 of enactment of this Act.

21 *CONFLICTS OF INTEREST—EXEMPTION*

SEC. 514. Section 207(b), title 18, United States Code,
is amended by adding the following before the period at the
end thereof: “: And provided further, That nothing in subsec-
tion (a) or (b) shall prevent a former officer or employee,

1 including a special Government employee, from acting or
2 appearing personally as agent or attorney for a unit of State
3 or local government, or two or more such units, if (i) the
4 former officer or employee is a full-time officer or employee of
5 such unit or units; and (ii) the head of the department or
6 agency concerned with the matter shall certify that in his
7 opinion the interest of the Government will not be prejudiced
8 by such action or appearance by the former officer or
9 employee”.

A BILL

To reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

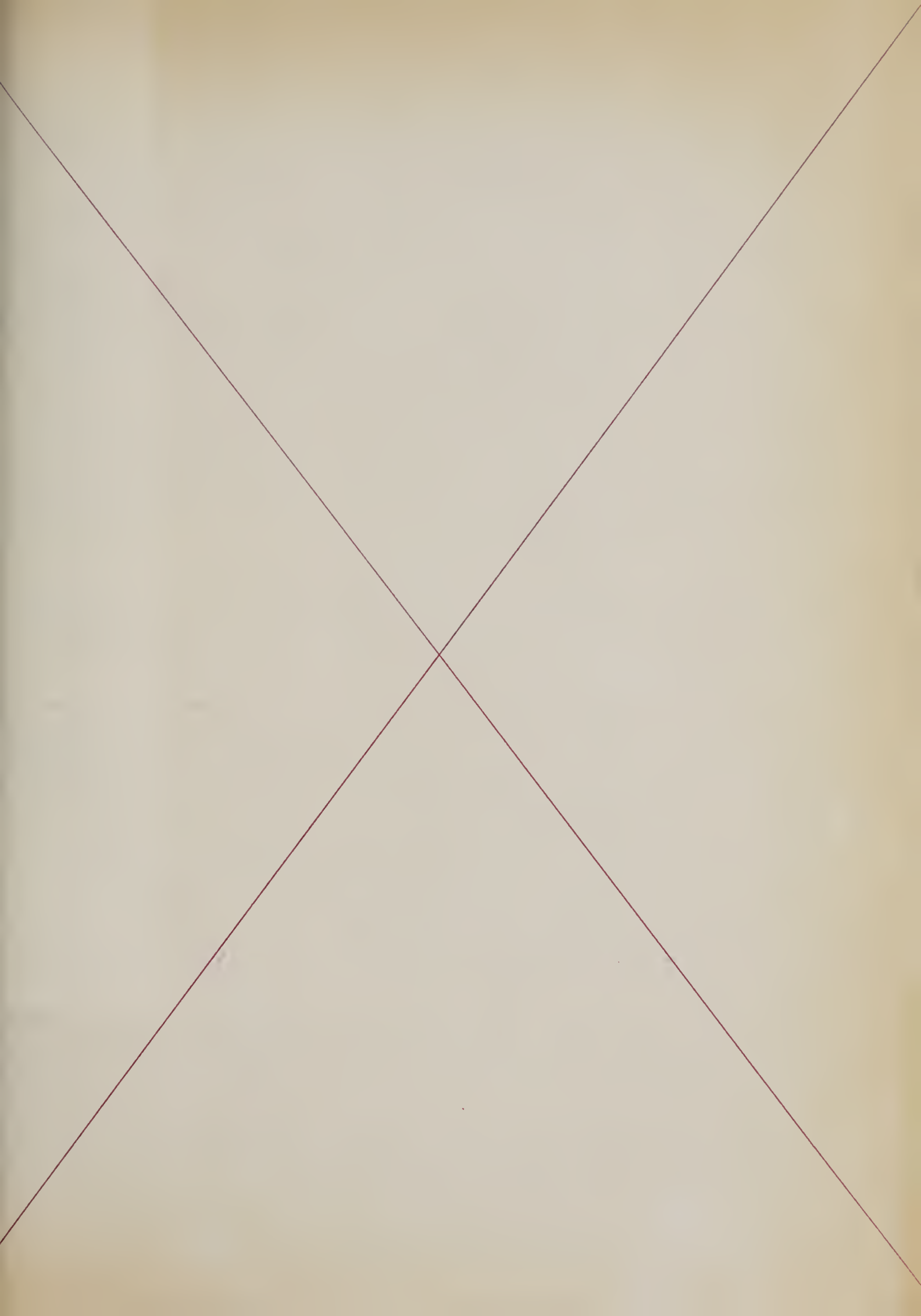
By Mr. MUSKIE, Mr. ANDERSON, Mr. BAYH, Mr. BROOKE, Mr. BYRD of West Virginia, Mr. DODD, Mr. GRAVEL, Mr. HART, Mr. HATFIELD, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. KENNEDY, Mr. MC CARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MONTOMY, Mr. MOSS, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCOTT, Mr. TYDINGS, Mr. YARBOROUGH, and Mr. YOUNG of Ohio

JANUARY 15 (legislative day, JANUARY 10), 1969

Read twice and referred to the Committee on
Government Operations

OCTOBER 21, 1969

Reported with amendments



Oct. 27, 1969
91st. 1st.SENATE

1. LANDS. The Interior and Insular Affairs Committee reported with amendment S. 2062, to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law (S. Rept. 91-499). p. S13217
Received from the Interior Department a report of the receipts and expenditures of the Department in connection with the administration of the Outer Continental Shelf Lands Act of 1953. p. S13217
Passed as reported S. 1, to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs (pp. S13277-81). Sen. Muskie stated in the debate that, "This bill has one basic purpose and that is to make these people so displaced 'economically whole'...However, when the fair price is paid for the property it does not provide for expenses that are incurred by the owner for being disrupted and in seeking a new location for his home or business. This bill would seek to compensate for these expenses and would seek to establish uniform land acquisition policies in the hope that the Government as buyer and the landowner as seller can arrive at a just price without going into condemnation court."
2. HAZARDOUS TOYS. Agreed to the conference report on S. 1689, to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards. This bill will now be sent to the President. p. S13278
3. INTERGOVERNMENTAL PERSONNEL. Passed as reported S.11, to reinforce the Federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments. pp. S13281-91
4. MEDICARE. Sen. Aiken inserted articles on the "costs crisis in medicare." pp. S13214-5
5. SUGAR. Received from GAO a report on foreign aid provided through the operations of the U. S. Sugar Act and the International Coffee Agreement. p. S13217
6. EMPLOYMENT. Both Houses received several reports from GAO on the effectiveness and administrative efficiency of the concentrated employment program under title IB of the Economic Opportunity Act of 1964. pp. S13217, N10103

as its provisions, or the provisions of S. 1 if adopted by the House of Representatives, are put into effect, no doubt some problems may arise, as is usually the case with any new program of such scope. But I hope very much that the experience under the Highway Act will prove helpful. If difficulties arise in applying these principles to highway or civil works projects, I am sure that our committee will want to be helpful.

Providing just compensation, and equitable assistance to those who are displaced, so that their lives are not unduly disrupted by public projects and they are kept "whole" as we say, is not simple or easy. But it is right and necessary, and I have been glad to support this measure. I commend the Senator from Maine, and his colleagues from South Dakota (Mr. MUNDT) and New York (Mr. JAVITS) for what I know was long and careful work in bringing this bill before the Senate for its approval.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment; if there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion was agreed to.

INTERGOVERNMENTAL PERSONNEL ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 486.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 11) to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernment cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations with amendments, on page 2, after the enacting clause, insert "That this act may be cited as the 'Intergovernmental Personnel Act of 1969'"; on page 3, line 22, after the word "as", insert "(1)"; in line 23,

after the word "local", strike out "governments." and insert "governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration."; on page 4, line 16, after the word "policy," insert "The President may terminate the council at any time after the expiration of three years following its establishment."; on page 7, line 21, after the word "to" where it appears the second time, strike out "States for up to 75 per centum of the costs of developing and of carrying out programs or projects which the Commission finds" and insert "a State for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects"; on page 11, line 7, after the word "to", strike out "general local governments, or combinations of such governments, that serve a population of fifty thousand or more, for up to 75 per centum of the cost of developing and carrying out programs or projects which the Commission finds" and insert "a general local government, or a combination of general local governments, that serve a population of fifty thousand or more, for up to 75 per centum (or with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects"

On page 12, line 6, after the word "grant" strike out "provisions, as provided in section 513" and insert "provisions"; at the beginning of line 24, strike out "provisions as provided in section 513" and insert "provisions"; on page 13, line 12, after the word "or", strike out "governments to the State office designated under section 202(b) (1) of this Act for review, except that, if no State office has been so designated, such application shall be submitted to the Governor for his review. Any comments and recommendations of the State office or of the Governor, as the case may be, and a statement by the general local government or governments that such comments and recommendations have been considered prior to its formal submission will accompany the application to the Commission. However, the application need not be accompanied by such comments and recommendations and by such a statement if the general local government or governments certify that the application has been before the State office or the Governor, as the case may be, for review for a period of sixty days without comments or recommendations on the application being made by that office," and insert "combination of such governments to the Governor for review and certification that the programs or projects are consistent with the appli-

cable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act. The Governor may refer the application to the State office designated under section 202(b) (1) of this Act for review. Comments and recommendations (if any) made as a result of the review, a statement by the general local government or combination of such governments that it has considered the comments and recommendations, and the certification of the Governor shall accompany the application to the Commission. The application need not be accompanied by the certification of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and certification for a period of sixty days without certification by the Governor. However, if during such sixty-day period the Governor (1) has found that the programs or projects are not consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act and (2) has set forth in writing the reasons, specifically and in detail, therefor, the application may not be submitted to, or be considered by, the Commission."

On page 15, line 20, after the word "may", strike out "accept from such governments payment, and whole or in part," and insert "waive, in whole or in part, payments from such governments"; on page 18, after line 2, strike out:

(D) sections 2(a) (5), 402(a) (5), 503(a) (3), 513(a) (3), 1002(a) (5), 1402(a) (5), 1062(a) (5), and 1902(a) (4) of the Social Security Act (42 U.S.C. 302(a) (5), 602(a) (5), 703(a) (3), 713(a) (3), 1202(a) (5), 1352(a) (5), 1382(a) (5), and 1396a(a) (4)); and

And, in lieu thereof, insert:

(D) sections 2(a) (5) (A), 402(a) (5) (A), 505(a) (3) (A), 1002(a) (5) (A), 1402(a) (5) (A), 1602(a) (5) (A), and 1902(a) (4) (A) of the Social Security Act (42 U.S.C. 302(a) (5) (A), 602(a) (5) (A), 705(a) (3) (A), 1202(a) (5) (A), 1352(a) (5) (A), 1382(a) (5) (A), and 1396a(a) (4) (A)); and

On page 22, line 8, after the word "agencies" strike out "are authorized to receive payments from, or on behalf of, State and local governments for the costs of training provided under this section, and to enter into agreements with them for this purpose. The head of the Federal agency concerned may waive all or part of such payments," and, in lieu thereof, insert "may waive, in whole or in part, payments from, or on behalf of, State and local governments for the costs of training provided under this section." in line 20, after the word "the" insert "initial"; on page 23, line 9, after the word "program," strike out "and, to the same extent provided in section 302(b) of this Act, receive or waive" and insert "and receive or waive, in whole or in part,"; on page 24, line 20, after the word "per centum", strike out "of the cost of developing and carrying out training and educational programs for their professional, administrative, and technical employees and officials, which the Commission finds are consistent with the applicable principles set forth in clauses (1)-(6) or the third paragraph of sec-

tion 2 of this Act.”; and insert “(or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs, on the certification of the Governor of that State that the programs are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials.”.

On page 28, line 14, after the word “or”, strike out “governments to the State office designated under section 304(b)(1) of this Act for review, except that, if no State office has been designated, such application shall be submitted to the Governor for his review. Any comments and recommendations of such State office or the Governor, as the case may be, and a statement by the general local government or governments that such comments and recommendations have been considered prior to its formal submission will accompany the application to the Commission. However, the application need not be accompanied by such comments and recommendations and by such a statement if the general local government or governments certify that the application has been before such State office or the Governor, as the case may be, for review for a period of sixty days without comments or recommendations on the application being made by that office.” and, in lieu thereof, insert “combination of such governments to the Governor for review and certification that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act. The Governor may refer the application to the State office designated under section 304(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review, a statement by the general local government or combination of such governments that it has considered the comments and recommendations, and the certification of the Governor shall accompany the application to the Commission. The application need not be accompanied by the certification of the Governor if the general local government or combination of such government certifies to the Commission that the application has been before the Government for review and certification for a period of sixty days without certification by the Governor. However, if during such sixty-day period the Governor (1) has found that the programs or projects are not consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act and (2) has set forth in writing the reasons, specifically and in detail, therefor, the application may not be submitted to, or be considered by, the Commission.”.

On page 30, line 6, after the word “per centum”, strike the word “of” and insert “(or, with respect to fiscal years commencing after the expiration of three years following the effective date of the

grant provisions of this Act, up to 50 per centum) of”.

On page 39, line 15, after the word “subchapter,” strike out “II” and insert “III”; on page 43, line 7, after “(A),” strike out “travel and per diem instead of subsistence” and insert “travel, including a per diem allowance”; in line 10, after “(B),” strike out “per diem instead of subsistence,” and insert “a per diem allowance”; in line 13, after “(C),” strike out “travel and per diem instead of subsistence,” and insert “travel, including a per diem allowance”; on page 49, line 23, after the word “allocate,” insert “20 per centum of the total amount available for”; on page 50, after line 7, strike out:

(b) In each fiscal year, 15 per centum of the total amount available for grants under this Act shall be apportioned equally among the States and the amount apportioned for each State shall be reserved for programs or projects in that State. However, any amount so reserved but not used in any fiscal year shall be added to the total amount available for grants under this Act in the next succeeding fiscal year. For the purpose of this subsection, “State” means the several States of the United States, and the District of Columbia.

And, in lieu thereof, insert:

(b)(1) The Commission shall allocate 80 per centum of the total amount available for grants under this Act among the States on a weighted formula taking into consideration such factors as the size of population and the number of State and local government employees affected.

(2) The amount allocated for each State under paragraph (1) of this subsection shall be further allocated by the Commission to meet the needs of both the State government and the local governments within the State on a weighted formula taking into consideration such factors as the number of State and local government employees and the amount of State and local government expenditures. The Commission shall determine the categories of employees and expenditures to be included or excluded, as the case may be, in the number of employees and amount of expenditures. The minimum allocation for meeting needs of local governments in each State (other than the District of Columbia) shall be 50 per centum of the amount allocated for the State under paragraph (1) of this subsection.

(3) The amount of any allocation under paragraph (2) of this subsection which the Commission determines, on the basis of information available to it, will not be used to meet the needs for which allocated shall be available for use to meet the needs of the State government or local governments in that State, as the case may be, on such date or dates as the Commission may fix.

(4) The amount allocated for any State under paragraph (1) of this subsection which the Commission determines, on the basis of information available to it, will not be used shall be available for reallocation by the Commission from time to time, on such date or dates as it may fix, among other States with respect to which such a determination has not been made, in accordance with the formula set forth in paragraph (1) of this subsection, but with such amount for any of such other States being reduced to the extent it exceeds the sum the Commission estimates said State needs and will be able to use; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced.

(5) For the purposes of this subsection, “State” means the several States of the United States and the District of Columbia.

On page 53, line 23, after “Sec. 509.”, strike out:

(a) To carry out the programs authorized by this Act, there are authorized to be appropriated at any time after its enactment not to exceed \$20,000,000 for fiscal year 1970; \$30,000,000 for fiscal year 1971; and \$40,000,000 for fiscal year 1972.

(b) Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1972.

And insert:

There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the programs authorized by this Act.”;

On page 54, line 12, after “Sec. 510(a)”, strike out:

There is established a revolving fund, to be available without fiscal year limitation, for financing training and such other functions as are authorized or required to be performed by the Commission on a reimbursable basis by this Act and such other services as the Commission, with the approval of the Bureau of the Budget, determines may be performed more advantageously through such a fund.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized), and such unexpended balances of appropriations or funds relating to the activities transferred to the fund and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Commission may transfer to the fund, less the related liabilities, unpaid obligations, and accrued annual leave of employees who are transferred to the activities financed by the fund at its inception.

(c) The fund shall be credited with—

(1) reimbursements or advance payments from available funds of the Commission, other Federal agencies, State or local governments, or other sources for supplies and services at rates which will approximate the expense of operations, including the accrual of annual leave, the depreciation of equipment, and the net losses on property transferred or donated; and

(2) receipts from sales or exchanges of property and payments for losses or damage to property accounted for under the fund.

(d) Any unobligated and unexpended balance in the fund that the Commission determines to be in excess of amounts needed for its operations shall be deposited in the Treasury as miscellaneous receipts.

And insert:

Section 1304(e) of title 5, United States Code, is amended to read as follows:

“(e) (1) A revolving fund is available to the Commission without fiscal year limitation for financing—

“(A) investigations, training, and such other functions and services as the Commission is authorized or required to perform on a reimbursable basis; and

“(B) such other functions and services as the Commission, with the approval of the Bureau of the Budget, determines may be financed more advantageously through the funds, and to the maximum extent feasible, each individual activity shall be conducted generally on an actual cost basis over a reasonable period of time.

“(2) The capital of the fund consists of the aggregate of—

“(A) appropriations made to provide capital for the fund, which appropriations are hereby authorized; and

“(B) the sum of the fair and reasonable value of such supplies, equipment, and other

assets as the Commission from time to time transfers to the fund (including the amount of unexpended balances of appropriations or funds relating to activities the financing of which is transferred to the fund) less the amount of related liabilities, the amount of unpaid obligations, and the value of accrued annual leave of employees, which are attributable to the activities the financing of which is transferred to the fund.

"(3) The fund shall be credited with—

"(A) reimbursements and advance payments from available funds of the Commission, other agencies, or State or local governments, or from other sources, for those services and supplies provided at rates estimated by the Commission as adequate to recover expenses of operation, including provision for accrued annual leave of employees, the depreciation of equipment, and the net losses on property transferred or donated to the fund; and

"(B) receipts from sales or exchanges of property, and payments for loss or damage to property, accounted for under the fund.

"(4) Any unobligated and unexpended balances in the fund that the Commission determines to be in excess of the amounts needed for activities financed by the fund shall be deposited in the Treasury of the United States as miscellaneous receipts."

(b) Section 1304(f) of title 5, United States Code, is amended by striking out "investigations made" and inserting "investigations, training, and functions performed" in place thereof.

(c) The fund referred to in the amendment made by subsection (a) of this section shall be held and considered to be the same fund as that referred to in section 1304(e) of title 5, United States Code, as in existence immediately prior to such amendment, and the capital thereof immediately following such amendment shall be the same as that immediately prior to such amendment.

And on page 58, after line 20, insert a new section, as follows:

CONFLICTS OF INTEREST—EXEMPTION

SEC. 514. Section 207(b), title 18, United States Code, is amended by adding the following before the period at the end thereof: "And provided further, That nothing in subsection (a) or (b) shall prevent a former officer or employee, including a special Government employee, from acting or appearing personally as agent or attorney for a unit of State or local government, or two or more such units, if (i) the former officer or employee is a full-time officer or employee of such unit or units; and (ii) the head of the department or agency concerned with the matter shall certify that in his opinion the interest of the Government will not be prejudiced by such action or appearance by the former officer or employee".

So as to make the bill read:

S. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Personnel Act of 1969".

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

That effective State and local governmental institutions are essential in the maintenance and development of the federal system in an increasingly complex and interdependent society.

That, since numerous governmental activities administered by the State and local governments are related to national purpose and are financed in part by Federal funds, a national interest exists in a high caliber of public service in State and local governments.

That the quality of public service at all levels of government can be improved by the

development of systems of personnel administration consistent with such merit principles as—

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

SEC. 3. The authorities provided by this Act shall be administered in such manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

DECLARATION OF PURPOSE

SEC. 101. The purpose of this title is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this Act.

ADVISORY COUNCIL

SEC. 102. (a) Within one hundred and eighty days following the date of enactment of this Act, the President shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an advisory council on intergovernmental personnel policy. The President may terminate the council at any time after the expiration of three years following its establishment.

(b) The advisory council of not to exceed fifteen members, shall be composed primarily of officials of the Federal Government and State and local governments, but shall also include members selected from educational and training institutions or organizations, public employee organizations, and the general public. At least half of the governmental members shall be officials of State and local governments. The President shall designate a Chairman and a Vice Chairman from among the members of the advisory council.

(c) It shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

(d) Members of the advisory council who are not regular full-time employees of the United States, while serving on the business of the council, including travel time, may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business, all members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

REPORTS OF ADVISORY COUNCIL

SEC. 103. (a) The advisory council on intergovernmental personnel policy shall from time to time report to the President and to the Congress its findings and recommendations.

(b) Not later than eighteen months after its establishment, the advisory council shall submit an initial report on its activities, which shall include its views and recommendations on—

(1) the feasibility and desirability of extending merit policies and standards to additional Federal-State grant-in-aid programs;

(2) the feasibility and desirability of extending merit policies and standards to grant-in-aid programs of a Federal-local character;

(3) appropriate standards for merit personnel administration, where applicable, including those established by regulations with respect to existing Federal grant-in-aid programs; and

(4) the feasibility and desirability of financial and other incentives to encourage State and local governments in the development of comprehensive systems of personnel administration based on merit principles.

(c) In transmitting to the Congress reports of the advisory council, the President shall submit to the Congress proposals of legislation which he deems desirable to carry out the recommendations of the advisory council.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

DECLARATION OF PURPOSE

SEC. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

SEC. 202. (a) The United States Civil Service Commission (hereinafter referred to as the "Commission") is authorized to make grants to a State for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen State and local government personnel administration and to furnish needed personnel administration services to local governments in that State. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in the design, execu-

tion, and management of their own systems of personnel administration.

(b) An application for a grant shall be made at such time or times, and contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application thereof—

(1) provides for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the approved program or project at the State level;

(2) provides for the establishment of merit personnel administration where appropriate and the further improvement of existing systems based on merit principles;

(3) provides for specific personnel administration improvement needs of the State government and, to the extent appropriate, of the local governments in that State, including State personnel administration services for local governments;

(4) provides assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and

(5) sets forth clear and practicable actions for the improvement of particular aspects of personnel administration such as—

(A) establishment of statewide personnel systems of general or special functional coverage to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(B) making State grants to local governments to strengthen their staffs by improving their personnel administration;

(C) assessment of State and local government needs for professional, administrative, and technical manpower, and the initiation of timely and appropriate action to meet such needs;

(D) strengthening one or more major areas of personnel administration, such as recruitment and selection, training and development, and pay administration;

(E) undertaking research and demonstration projects to develop and apply better personnel administration techniques, including both projects conducted by State and local government staffs and projects conducted by colleges or universities or other appropriate nonprofit organizations under grants or contracts;

(F) strengthening the recruitment, selection, assignment, and development of handicapped persons, women, and members of disadvantaged groups whose capacities are not being utilized fully;

(G) achieving the most effective use of scarce professional, administrative, and technical manpower; and

(H) increasing intergovernmental cooperation in personnel administration, with respect to such matters as recruiting, examining, pay studies, training, education, personnel interchange, manpower utilization, and fringe benefits.

LOCAL GOVERNMENT PROGRAMS AND GRANTS

SEC. 203. (a) The Commission is authorized to make grants to a general local government, or a combination of general local governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects are consistent with the applicable

principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen the personnel administration of such governments. Such a grant may be made only if, at the time of submission of an application, the State concerned does not then currently have an approved application for a grant adequately providing, in the judgment of the Commission, for assistance in strengthening the personnel administration of that local government or combination of local governments. However, such a grant, except as provided in subsection (b)(1) of this section, may not be made until the expiration of one year from the effective date of the grant provisions of this Act.

(b) An application for a grant from a general local government or a combination of general local governments shall be made at such time or times and shall contain such information as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor meets requirements similar to those established in section 202(b) of this Act for a State application for a grant, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (c) of this section. Such a grant may cover the costs of developing the program or project covered by the application. The Commission may—

(1) waive, as the request of a general local government or combination of such governments, the one-year waiting period, unless the State concerned declares, within ninety days from the effective date of the grant provisions of this Act, an intent to file an application for a grant that will provide adequately for assistance to the local government or governments; and

(2) make grants to general local governments, or combinations of such governments, that serve a population of less than fifty thousand, if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special problems in personnel administration related to such programs or projects.

(c) An application to be submitted to the Commission under subsection (b) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review and certification that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act. The Governor may refer the application to the State Office designated under section 202(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review, a statement by the general local government or combination of such governments that it has considered the comments and recommendations, and the certification of the Governor shall accompany the application to the Commission. The application need not be accompanied by the certification of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and certification for a period of sixty days without certification by the Governor. However, if during such sixty-day period the Governor (1) has found that the programs or projects are not consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act and (2) has set forth in writing the reasons, specifically and in detail, therefor, the application may not be submitted to, or be considered by, the Commission.

INTERGOVERNMENTAL COOPERATION IN RECRUITING AND EXAMINING

SEC. 204. (a) The Commission may join, on a shared-costs basis, with State and local governments in cooperative recruiting and examining activities under such procedures

and regulations as may jointly be agreed upon.

(b) The Commission also may, on the written request of a State or local government and under such procedures as may be jointly agreed upon, certify to such governments from appropriate Federal registers the names of potential employees. The State or local government making the request shall pay the Commission for the costs, as determined by the Commission, of performing the service, and such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

TECHNICAL ASSISTANCE

SEC. 205. The Commission may furnish technical advice and assistance, on request, to State and general local governments seeking to improve their systems of personnel administration. The Commission may waive, in whole or in part, payments from such governments for the costs of furnishing such assistance. All such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

COORDINATION OF FEDERAL PROGRAMS

SEC. 206. The Commission, after consultation with other agencies concerned, shall—

(1) coordinate the personnel administration support and technical assistance given to State and local governments and the support given State programs or projects to strengthen local government personnel administration, including the furnishing of needed personnel administration services and technical assistance, under authority of this Act with any such support given under other Federal programs; and

(2) make such arrangements, including the collection, maintenance, and dissemination of data on grants for strengthening State and local government personnel administration and on grants to States for furnishing needed personnel administration services and technical assistance to local governments, as needed to avoid duplication and insure consistent administration of related Federal activities.

INTERSTATE COMPACTS

SEC. 207. The consent of the Congress is hereby given to any two or more States to enter into compacts or other agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance (including the establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of State and local governments.

TRANSFER OF FUNCTIONS

SEC. 208. (a) There are hereby transferred to the Commission all functions, powers, and duties of—

(1) the Secretary of Agriculture under section 10(e)(2) of the Food Stamp Act of 1964 (7 U.S.C. 2019(e)(2));

(2) the Secretary of Labor under—

(A) the Act of June 6, 1933, as amended (29 U.S.C. 49 et seq.); and

(B) section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1));

(3) the Secretary of Health, Education, and Welfare under—

(A) sections 134(a)(6) and 204(a)(6) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 (42 U.S.C. 2674(a)(6) and 2684(a)(6));

(B) section 303(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(5));

(C) sections 314(a)(2)(F) and (d)(2)(F) and 604(a)(8) of the Public Health Service Act (42 U.S.C. 246(a)(2)(F) and (d)(2)(F) and 291d(a)(8)); and

(D) sections 2(a)(5)(A), 402(a)(5)(A), 505(a)(3)(A), 1002(a)(5)(A), 1402(a)(5)(A), 1602(a)(5)(A), and 1902(a)(4)(A) of the Social Security Act (42 U.S.C. 302(a)(5)(A), 602(a)(5)(A), 705(a)(3)(A), 1202(a)(5)(A), 1352(a)(5)(A), 1382(a)(5)(A), and 1396a(a)(4)(A)); and

(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grant-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program; insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) the Commission shall—

(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed by the Commission under subsection (a) of this section; and

(2) advise Federal agencies administering programs of grants or financial assistance as to the application of required personnel administration standards, and recommend and coordinate the taking of such actions by the Federal agencies as the Commission considers will most effectively carry out the purpose of this title.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of any Federal agency employed, used, held, available, or to be made available in connection with the functions, powers, and duties vested in the Commission by this section as the Director of the Bureau of the Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

(d) Personnel standards prescribed by Federal agencies under laws and regulations referred to in subsection (a) of this section shall continue in effect until modified or superseded by standards prescribed by the Commission under subsection (a) of this section.

(e) Any standards or regulations established pursuant to the provisions of this section shall be such as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own individual systems of personnel administration.

(f) Nothing in this section or in section 202 or 203 of this Act shall be construed to—

(1) authorize any agency or official of the Federal Government to exercise any authority, direction, or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee;

(2) authorize the application of personnel standards on a merit basis to the teaching personnel of educational institutions or school systems;

(3) prevent participation by employees or employee organizations in the formulation of policies and procedures affecting the conditions of their employment, subject to the laws and ordinances of the State or local government concerned;

(4) require or request any State or local government employee to disclose his race, religion, or national origin, or the race, religion, or national origin, of any of his forebears;

(5) require or request any State or local government employee, or any person applying for employment as a State or local government employee, to submit to any interrogation or examination or to take any psychological test or any polygraph test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters; or

(6) require or request any State or local government employee to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he

is or may be assigned or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(g) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 301. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

SEC. 302. (a) In accordance with such conditions as may be prescribed by the head of the Federal agency concerned, a Federal agency may admit State and local government employees and officials to agency training programs established for Federal professional, administrative, or technical personnel.

(b) Federal agencies may waive, in whole or in part, payments from, or on behalf of, State and local governments for the costs of training provided under this section. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

(c) The Commission may use appropriations authorized by this Act to pay the initial additional developmental or overhead costs that are incurred by reason of admission of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs.

TRAINING OF PERSONNEL ENGAGED IN GRANT-IN-AID PROGRAMS

SEC. 303. (a) Any Federal agency administering a program of grants or financial assistance to State or local governments may—

(1) establish, provide, and conduct training programs for employees and officials of State and local governments who have responsibilities related to the federally aided program, and receive or waive, in whole or in part, payments for such training and credit any such payments to the appropriation or fund used for paying the training costs; and

(2) authorize State and local governments—

(A) from Federal funds available for State or local program administration expenses under grants or financial assistance; or

(B) from other Federal grant or financial assistance funds when so provided in appropriation or other Acts;

to establish, conduct, provide, and support training and education programs for their employees and officials who have responsibilities related to the federally aided program, including internship, work-study, fellowship, and similar programs if approved by the Federal agency concerned, provided that full-time, graduate-level education supported under this subsection shall be consistent with provisions made for Government Service Fellowships under section 306 of this Act.

(b) The State or local government concerned shall—

(1) in accordance with eligibility criteria prescribed by the Federal agency concerned, select the individual employees and officials to receive education and training in programs established under this section; and

(2) during the period of the education or training, continue the full salary of the employee or official concerned and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

SEC. 304. (a) If in its judgment training is not adequately provided for under grant-in-aid or other statutes, the Commission is au-

thorized to make grants to State and general local governments for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs, on the certification of the Governor of that State that the programs are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such grants may not be used to cover costs of full-time graduate-level study, provided for in section 306 of this Act, or the costs of the construction or acquisition of training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in developing and carrying out training and education programs for their personnel.

(b) An application for a grant from a State of general local government shall be made at such time or times, and shall contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section, only if the application therefor meets requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grant to a State, or to a general local government under subsection (c) of this section, may cover the costs of developing the program covered by the application. The program covered by the application shall—

(1) provide for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the program at the State level;

(2) provide, to the extent feasible, for coordination with relevant training available under or supported by other Federal Government programs or grants;

(3) provide for training needs of the State government and of local governments in that State;

(4) provide, to the extent feasible, for intergovernmental cooperation in employee training matters, especially within metropolitan or regional areas; and

(5) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes.

(c) A grant authorized by subsection (a) of this section may be made to a general local government, or a combination of such governments, that serves a population of fifty thousand or more only if, at the time of the submission of an application, the State concerned does not then currently have an approved application for a grant adequately providing, in judgment of the Commission, for training of employees of that local government or combination of local governments. However, such a grant, except as further provided in this subsection, may not be made until the expiration of one year from the effective date of the grant provisions of this Act. To be approved, an application for a grant under this subsection must meet requirements similar to those established in subsection (b) of this section for State applications, unless any such requirement is specifically waived by the Commis-

sion, and the requirements of subsection (d) of this section. The Commission may—

(1) waive, at the request of a general local government or a combination of such governments, the one-year waiting period provided under subsection (c) of this section unless the State concerned declares, within ninety days from the effective date of the grant provisions of this Act, an intent to file an application for a grant that will provide adequately for the training of employees of the general local government or governments; and

(2) make grants to general local governments, or combinations of such governments that serve a population of less than fifty thousand if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special needs for personnel training and education related to such programs or projects.

(d) An application to be submitted to the Commission under subsection (c) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review and certification that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act. The Governor may refer the application to the State office designated under section 304(b) (1) of this Act for review. Comments and recommendations (if any) made as a result of the review, a statement by the general local government or combination of such governments that it has considered the comments and recommendations, and the certification of the Governor shall accompany the application to the Commission. The application need not be accompanied by the certification of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and certification for a period of sixty days without certification by the Governor. However, if during such sixty-day period the Governor (1) has found that the programs or projects are not consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act and (2) has set forth in writing the reasons, specifically and in detail, therefore, the application may not be submitted to, or be considered by, the Commission.

GRANTS TO OTHER ORGANIZATIONS

SEC. 305. (a) The Commission is authorized to make grants to other organizations to pay up to 75 per centum of (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, up to 50 per centum) of the costs of providing training to professional, administrative, or technical employees and officials of State or local governments if the Commission—

(1) finds substantial State and local government interest in the proposed program; and

(2) approves the program as meeting such requirements as may be prescribed by the Commission in its regulations pursuant to this Act.

(b) For the purpose of this section "other organization" means—

(1) a national, regional, statewide, area-wide, or metropolitan organization, representing member State or local governments;

(2) an association of State or local public officials; or

(3) a nonprofit organization one of whose principal functions is to offer professional advisory, research, development, educational or related services to governments.

GOVERNMENT SERVICE FELLOWSHIPS

SEC. 306. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government Service Fellowships for State and local government personnel. The grants may cover—

(1) the necessary costs of the fellowship recipient's books, travel, and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable federally supported programs for each fellow, less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.

(c) The State or local government concerned shall—

(1) select the individual recipients of the fellowships;

(2) during the period of the fellowship, continue the full salary of the recipient and normal employment benefits such as credit for seniority, leave accrual, retirement and insurance; and

(3) make appropriate plans for the utilization and continuation in public service of employees completing fellowships and outline such plans in the application for the grant.

COORDINATION OF FEDERAL PROGRAMS

SEC. 307. The Commission, after consultation with other agencies concerned, shall—

(1) prescribe regulations concerning administration of training for employees and officials of State and local governments provided for in this title, including requirements for coordination of and reasonable consistency in such training programs;

(2) coordinate the training support given to State and local governments under authority of this Act with training support given such governments under other Federal programs; and

(3) make such arrangements, including the collection and maintenance of data on training grants and programs, as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 402. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"§ 3371. Definitions

"For the purpose of this subchapter—

"(1) 'State' means—

"(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"(B) an instrumentality or authority of a State or States as defined in subparagraph

(A) of this paragraph (1) and a Federal-State authority or instrumentality; and

"(2) 'local government' means—

"(A) any political subdivision instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

"(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

"§ 3372. General provisions

"(a) On request from or with the concurrence of a State or local government, and with the consent of the employee concerned the head of an executive agency may arrange for the assignment of—

"(1) an employee of his agency to a State or local government; and

"(2) an employee of a State or local government to his agency; for work of mutual concern to his agency and the State or local government that he determines will be beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of an executive agency may extend the period of assignment for not more than two additional years.

"(b) This subchapter is authority for and applies to the assignment of—

"(1) an employee of an executive agency to an institution of higher education; and

"(2) an employee of an institution of higher education to an executive agency.

"§ 3373. Assignment of employees to State and local governments

"(a) An employee of an executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

"(1) on detail to a regular work assignment in his agency; or

"(2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the executive agency and the State or local government concerned.

"(b) The assignment of an employee of an executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay, or supplemental pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the executive agency used for paying the travel and transportation expenses or pay.

"(c) For an employee so assigned and on leave without pay—

"(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had he continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

"(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

"(3) he is entitled, notwithstanding other statutes—

"(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employee's Life Insurance Fund and the Employee's Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions;

"(B) to credit the period of his assignment under this subchapter toward periodic step-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat (notwithstanding section 8348(g) of this title) his service during that period as service of the type performed in the agency immediately before his assignment; and

"(C) for the purpose of subchapter I of chapter 85 of this title, to credit the service performed during the period of his assignment under this subchapter as Federal service, and to consider his State or local government pay (and his supplemental pay, if any as Federal wages. To the extent that the service could also be the basis for entitlement to unemployment compensation under a State law, the employee may elect to claim unemployment compensation on the basis of the service under either the State law or subchapter I of chapter 85 of this title.

However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar. The executive agency shall deposit currently in the Employee's Life Insurance Fund, the Employee's Health Benefits Fund or other applicable health benefits system, respectively, the amount of the Government's contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

"(d) (1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter III of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

"(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

"(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

"(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

"§ 3374. Assignments of employees from State or local governments

"(a) An employee of a State or local government who is assigned to an executive agency under an arrangement under this subchapter may—

"(1) be appointed in the executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the assignment; or

"(2) be deemed on detail to the executive agency.

"(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed an employee of the executive agency for all purposes except—

"(1) subchapter III of chapter 83 of this title or other applicable retirement system;

"(2) chapter 87 of this title; and

"(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

"(c) During the period of assignment, a State or local government employee on detail to an executive agency—

"(1) is not entitled to pay from the agency;

"(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, section 638a of title 31, and the Federal Tort Claims Act and any other Federal tort liability statute; and

"(3) is subject to such regulations as the President may prescribe.

The supervision of the duties of such an employee may be governed by agreement between the executive agency and the State or local government concerned. A detail of a State or local government employee to an executive agency may be made with or without reimbursement by the executive agency for the pay, or a part thereof, of the employee during the period of assignment.

"(d) A State or local government employee who is given an appointment in an executive agency for the period of the assignment or who is on detail to an executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(e) If a State or local government fails to continue the employer's contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an executive agency, the employer's contributions covering the State or local government employee's period of assignment, or any part thereof, may be made from the appropriations of the executive agency concerned.

"§ 3375. Travel expenses

"(a) Appropriations of an executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with—

"(1) subchapter I of chapter 57 of this title, for the expenses of—

"(A) travel, including a per diem allowance, to and from the assignment location;

"(B) a per diem allowance at the assignment location during the period of the assignment; and

"(C) travel, including a per diem allowance, while traveling on official business away from his designated post of duty during the assignment when the head of the executive agency considers the travel in the interest of the United States;

"(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

"(3) section 5724a(a) (1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

"(4) section 5724(a) (3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty; and

"(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

"(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1) (C), may not be allowed in connection with the assignment of a Federal or State or local government employee under this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as a debt due the United States. The head of the executive agency concerned may waive in whole or in part a right of recovery under this subsection with respect to a State or local government employee on assignment with the agency.

"(c) Appropriation of an executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local government employee assigned under this subchapter.

"§ 3376. Regulations

"The President may prescribe regulations for the administration of this subchapter."

(b) The analysis of chapter 33 of title 5, United States Code, is amended by inserting the following at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"Sec.

"3371. Definitions.

"3372. General provisions.

"3373. Assignments of employees to State or local governments.

"3374. Assignments of employees from State or local governments.

"3375. Travel expenses.

"3376. Regulations."

REPEAL OF SPECIAL AUTHORITIES

SEC. 404. This title shall become effective amended (7 U.S.C. 1881-1888), section 507 of the Act of April 11, 1965 (20 U.S.C. 867), and section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) (less applicability to commissioned officers of the Public Health Service) are hereby repealed.

SEC. 404. This title shall become effective sixty days after the date of enactment of this Act.

TITLE V—GENERAL PROVISIONS

DECLARATION OF PURPOSE

SEC. 501. The purpose of this title is to provide for the general administration of titles I, II, III, and V of this Act (hereinafter referred to as "this Act"), and to provide for the establishment of certain advisory committees.

DEFINITIONS

SEC. 502. For the purpose of this Act—

(1) "Commission" means the United States Civil Service Commission;

(2) "Federal agency" means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) "local government" means a city, town, county, or other subdivision or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A "general local government" means a city, town, county, or comparable general-purpose political subdivision of a State.

GENERAL ADMINISTRATIVE PROVISIONS

SEC. 503. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

(b) The Commission shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of this Act.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission may—

(1) issue such standards and regulations as may be necessary to carry out the purposes of this Act;

(2) consent to the modification of any contract entered into pursuant to this Act, such consent being subject to any specific limitations of this Act;

(3) include in any contract made pursuant to this Act such covenants, conditions, or provisions as it deems necessary to assure that the purposes of this Act will be achieved; and

(4) utilize the services and facilities of any Federal agency, any State or local government, and any other public or nonprofit agency or institution, on a reimbursable basis or otherwise, in accordance with agreements between the Commission and the head thereof.

(d) In the performance of, and with respect to the functions, powers, and duties vested in it by this Act, the Commission—

(1) may collect information from time to time with respect to State and local government training programs and personnel administration improvement programs and projects under this Act, and make such information available to interested groups, organizations, or agencies, public or private;

(2) may conduct such research and make such evaluation as needed for the efficient administration of this Act; and

(3) shall include in its annual report a report of the administration of this Act.

(e) The provisions of this Act are not a limitation on existing authorities, unless other statutes but are in addition to any such authorities, unless otherwise specifically provided in this Act.

REPORTING REQUIREMENTS

SEC. 504. (a) A State or local government office designated to administer a program or project under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

(b) An organization which receives a training grant under section 305 of this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal grant funds and the operation of the training program as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 505. The Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

DISTRIBUTION OF GRANTS

SEC. 506. (a) The Commission shall allocate 20 per centum of the total amount available for grants under this Act in such manner as will most nearly provide an equitable distribution of the grants among States and between State and local governments, taking into consideration such factors as the size of the population, number of employees affected, the urgency of the programs or projects, the need for funds to carry out the purposes of this Act, and the potential of the governmental jurisdictions concerned to use the funds most effectively.

(b) (1) The Commission shall allocate 80 per centum of the total amount available for grants under this Act among the States on a weighed formula taking into consideration such factors as the size of population and the number of State and local government employees affected.

(2) The amount allocated for each State under paragraph (1) of this subsection shall be further allocated by the Commission to meet the needs of both the State government and the local governments within the State on a weighted formula taking into consideration such factors as the number of State and local government employees and the amount of State and local government expenditures. The Commission shall determine the categories of employees and expenditures to be included or excluded, as the case may be, in the number of employees and amount of expenditures. The minimum allocation for meeting needs of local governments in each State (other than the District of Columbia) shall be 50 per centum of the amount allocated for the State under paragraph (1) of this subsection.

(3) The amount of any allocation under paragraph (2) of this subsection which the Commission determines, on the basis of information available to it, will not be used to meet needs for which allocated shall be available for use to meet the needs of the State government or local governments in that State, as the case may be, on such date as the Commission may fix.

(4) The amount allocated for any State under paragraph (1) of this subsection which the Commission determines, on the basis of information available to it, will not be used shall be available for reallocation by the Commission from time to time, on such date or dates as it may fix, among other States

with respect to which such a determination has not been made, in accordance with the formula set forth in paragraph (1) of this subsection, but with such amount for any of such other States being reduced to the extent it exceeds the sum the Commission estimates said State needs and will be able to use; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced.

(5) For the purposes of this subsection, "State" means the several States of the United States and the District of Columbia.

(c) Notwithstanding the other provisions of this section, the total of the payments from the appropriations for any fiscal year under this Act made with respect to programs or projects in any one State may not exceed an amount equal to 12½ per centum of such appropriation.

TERMINATION OF GRANTS

SEC. 507. Whenever the Commission, after giving reasonable notice and opportunity for hearing to the State or general local government concerned, finds—

(1) that a program or project has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is a failure to comply substantially with any such provision;

the Commission shall notify the State or general local government of its findings and no further payments may be made to such government by the Commission until it is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Commission may authorize the continuance of payments to those projects approved under this Act which are not involved in the noncompliance.

ADVISORY COMMITTEES

SEC. 508. (a) The Commission may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committee or committees as it may determine to be necessary to facilitate the administration of this Act.

(b) Members of advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees including traveltime may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

APPROPRIATION AUTHORIZATION

SEC. 509. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the programs authorized by this Act.

REVOLVING FUND

SEC. 510. (a) Section 1304(e) of title 5, United States Code, is amended to read as follows:

"(e)(1) A revolving fund is available to the Commission without fiscal year limitation for financing—

"(A) investigations, training, and such other functions and services as the Commission is authorized or required to perform on a reimbursable basis; and

"(B) such other functions and services as the Commission, with the approval of the Bureau of the Budget, determines may be financed more advantageously through the fund, and to the maximum extent feasible, each individual activity shall be conducted generally on an actual cost basis over a reasonable period of time.

"(2) The capital of the fund consists of the aggregate of—

"(A) appropriations made to provide capital for the fund, which appropriations are hereby authorized; and

"(B) the sum of the fair and reasonable value of such supplies, equipment, and other assets as the Commission from time to time transfers to the fund (including the amount of unexpended balances of appropriations or funds relating to activities the financing of which is transferred to the fund) less the amount of related liabilities, the amount of unpaid obligations, and the value of accrued annual leave of employees, which are attributable to the activities the financing of which is transferred to the fund.

"(3) The fund shall be credited with—

"(A) reimbursements and advance payments from available funds of the Commission, other agencies, or State or local governments, or from other sources, for those services and supplies provided at rates estimated by the Commission as adequate to recover expenses of operation, including provision for accrued annual leave of employees, the depreciation of equipment, and the net losses on property transferred or donated to the fund; and

"(B) receipts from sales or exchanges of property, and payments for loss or damage to property, accounted for under the fund.

"(4) Any unobligated and unexpended balances in the fund that the Commission determines to be in excess of the amounts needed for activities financed by the fund shall be deposited in the Treasury of the United States as miscellaneous receipts."

(b) Section 1304(f) of title 5, United States Code, is amended by striking out "investigations made" and inserting "investigations, training, and functions performed" in place thereof.

(3) The fund referred to in the amendment made by subsection (a) of this section shall be held and considered to be the same fund as that referred to in section 1304(e) of title 5, United States Code, as in existence immediately prior to such amendment, and the capital thereof immediately following such amendment shall be the same as that immediately prior to such amendment.

LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST SHARING

SEC. 511. Federal funds made available to State or local governments under other programs may not be used by the State or local government for cost-sharing purposes under grant provisions of this Act, except that Federal funds of a program financed wholly by Federal funds may be used to pay a pro rata share of such cost sharing. State or local government funds used for cost sharing on other federally assisted programs may not be used for cost sharing under grant provisions of this Act.

METHOD OF PAYMENT

SEC. 512. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as the Commission may determine, with necessary adjustments on account of overpayments or underpayments.

EFFECTIVE DATE OF GRANT PROVISIONS

SEC. 513. Grant provisions of this Act shall become effective one hundred and eighty days following the date of enactment of this Act.

CONFLICT OF INTEREST—EXEMPTION

SEC. 514. Section 207(b), title 18, United States Code, is amended by adding the following before the period at the end thereof: "And provided further, That nothing in subsection (a) or (b) shall prevent a former officer or employee, including a special Government employee, from acting or appearing personally as agent or attorney for a unit of State or local government, or two or more such units, if (i) the former officer or employee is a full-time officer or employee of such unit or units; and (ii) the head of the

department or agency concerned with the matter shall certify that in his opinion the interest of the Government will not be prejudiced by such action or appearance by the former officer or employee".

Mr. MUSKIE. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the committee amendments.

The committee amendments were agreed to en bloc.

Mr. MUSKIE. Mr. President, the Intergovernmental Personnel Act of 1969 is a measure designed to help strengthen State and local governments through improved personnel administration and more efficient recruitment and training of personnel, particularly in the administrative, technical and professional categories of need. S. 11 came to the floor of the Senate with the sponsorship of 29 Senators, the endorsement of many Governors, mayors, and other public officials throughout the country, and the strong support of citizen groups devoted to the public interest.

This is proposed legislation equal in its potential effect upon the quality of American public administration to that initiated through the Pendleton Civil Service Act of 1883. It is crucial to the successful execution of programs of Federal aid to State and local governments which Congress has authorized. It is urgently necessary in order that government below the Federal level be able to assume its full share of responsibility for the public services demanded in this period of rapid growth and social change.

Specifically, the bill seeks to achieve the following purposes:

First, to provide for intergovernmental cooperation, through an advisory council appointed by the President, in the development of policies and standards for the administration of programs for the improvement of State and local personnel administration and training.

Second, to authorize the Civil Service Commission to make grants to State and local governments in order to plan and make improvements in their systems of personnel administration.

Third, to transfer to the Civil Service Commission responsibility for administration of existing Federal statutory provisions requiring merit personnel administration for State and local employees engaged in certain federally assisted programs.

Fourth, to authorize Federal agencies to admit State and local government officials and employees, particularly in administrative, professional, and technical occupations, to Federal training programs.

Fifth, to authorize Federal agencies administering programs of grants-in-aid to State or local governments, to provide special training for State and local government officials or employees who have responsibilities related to those programs.

Sixth, to authorize the Civil Service Commission to make grants to State and local governments and other appropriate organizations for carrying out plans for training State and local government em-

ployees, as well as for the development of such plans, and for Government service fellowships for employees selected for special graduate-level university training.

Seventh, to authorize the Civil Service Commission to join with State and local governments in cooperative recruitment and examining activities.

Eighth, to give the consent of Congress to interstate compacts designed to improve personnel administration as well as the training of State and local employees.

Ninth, to authorize the temporary exchange of personnel between and among the levels of government.

Tenth, to direct the Civil Service Commission to coordinate these activities, in order to avoid overlap and duplication of effort and thus insure maximum effectiveness of administration.

Mr. President, it is appropriate to recount the conditions that have brought about the need for the enactment of this measure.

A burgeoning population and increasing urbanization in America poses tremendous problems for government at all levels. The areas of need are well known—slums and commercial blight, substandard housing, environmental pollution, crime, delinquency, unemployment, traffic congestion, to mention only some of the major problem areas. Our citizens demand more effective government. They require better education for their children. They demand more and better roads, recreation facilities, hospitals and programs for safeguarding the economic and social security of their being.

The major burden for providing these public services rests with our States and local governments. But, as these demands have mushroomed, their capacity to meet them has not. This is especially the case in terms of the numbers of qualified administrative, professional and technical personnel needed by State and local governments to plan, organize and administer the wide variety of programs authorized by past Congresses.

Between 1955 and 1965, State and local government employment increased from 4.7 million to 7.7 million persons. It is estimated that this total will increase to 11.4 million by 1975. Total recruiting needs for these employees, other than for teachers, are estimated at 2.5 million over the 10-year period, or an average of 250,000 per year. This, just to stay abreast of replacement and growth needs.

Nothing similar to this critical manpower situation has ever been faced by State and local governments before. There can be little question, that now and in the future, State and local governments face a serious problem of obtaining and retaining large numbers of high quality personnel. There can be no question that the general shortage of such trained and talented people throughout the country will compound this problem.

S. 11 is intended to help strength State and local governments in their efforts to recruit and train personnel to meet these needs. It is almost identical with the bill (S. 699) which passed the Senate in the 90th Congress by a substantial major-

ity. House action did not take place and the measure died with adjournment.

Hearings were held on March 24, 25, and 26, and the bill was approved by the subcommittee on May 6, 1969. Favorable action was subsequently taken by the Committee on Government Operations.

The proposed legislation has now been considered in three Congresses. We have delayed much too long in dealing with the critical shortage of properly qualified personnel for the public service. Since the great expansion of public programs that occurred during the depression thirties, government has been chronically deficient in manpower. I quote from the report of the Commission of Inquiry on Public Service Personnel issued in 1933:

In spite of the vital importance of government and governmental services, American national, State, and local governments do not at the present time attract to their service their full share of men and women of capacity and character. This is due primarily to our delay in adjusting our attitudes, institutions and public personnel policies to fit social and economic changes of the past seventy years.

Mr. President, this should be revised to read "the past 100 years," for three and a half decades have passed and we have still not taken the obviously needed steps.

Such conditions are deplorable from any point of view, but they are intolerable when we consider that the vast programs of Federal aid, costing in excess of \$20 billion annually, are largely dependent upon State and local governments for their execution. The burden grows constantly. S. 11 is intended to help strengthen State and local governments in their quest for improved administration of these many programs and providing for meeting their responsibilities within the federal system.

Mr. MUNDT. Mr. President, S. 11 reported by the Government Operations Committee was considered by the Intergovernmental Relations Subcommittee in this Congress and in the 90th Congress.

There has never been any divergence of view that the purposes of this bill for improving personnel administration in State and local governments were needed to meet the growing demands placed on State and local governments for governmental services. This bill authorizes the Civil Service Commission to make grants to these governments for carrying out training programs of its employees, for inclusion of State and local employees in existing Federal training programs, and to provide fellowships for university and college graduate training.

In the last Congress when this legislation came to the floor of the Senate as S. 699, I led opposition on the floor to the manner in which funds authorized for a grant program for up to 75 percent of the cost of developing and carrying out programs and projects which the Civil Service Commission found were consistent with merit principles outlined in the bill.

In our hearings this year, Robert Hampton, Chairman of the Civil Service Commission, made suggestions for amending the bill to insure an important State voice in the developing and ap-

proval process by including a certification by the Governor that the State or local government's plan meets the merit principles of the bill. Chairman Hampton's proposals were agreed to by both the chairman and me and by other members of the committee.

For these reasons, I hope that the Senate will approve passage of S. 11 as an important step toward improvement of intergovernmental relations between the National, State, and local governments in providing services demanded by our citizens.

Mr. RIBICOFF. Mr. President, increasing demands for effective services are being made upon State and local governments across the country. The inability of local government to respond to these demands is becoming critical and should be of great concern to the Congress.

The Federal Government has helped expand State and local government programs without doing anything comparable to develop their professional, administrative, and technical capabilities.

If we are to appropriate billions of dollars each year to solve the problems confronting the Nation, it is surely sensible to spend a relatively small sum to insure that these programs will be properly administered.

The Government Operations Committee has now reported out S. 11, the Intergovernmental Personnel Act of 1969. This act is a meaningful first step toward developing effective State and local governments. As a member of the Subcommittee on Intergovernmental Relations, I am pleased to cosponsor this legislation.

When enacted, this bill will provide Federal grants to State and local governments to improve personnel administration and employee training. In addition, Federal assistance in training State and local employees will be available and the exchange of Federal, State, and local personnel will be encouraged and facilitated.

S. 11 is a comprehensive, carefully constructed approach to the problems of governmental efficiency. The bill has been reviewed and discussed extensively in the past by committees in both the House and Senate and the Senate last year passed, by a substantial margin, a basically similar measure. The House, however, did not act upon the bill.

S. 11 as now reported incorporates several changes made following testimony on earlier bills considered by the Congress. Several problems disclosed earlier have been remedied by the bill which has been called the first comprehensive plan for intergovernmental cooperation since the Pendleton Civil Service Act of 1887.

It is my hope that, before the end of this session, S. 11 will pass the Senate and the House and be enacted into law. We have had enough delay in this important area.

There can be no doubt about the need for passage of S. 11.

Citizens are demanding action from their local governments. They seek better education, better police and fire protection, better roads and public transportation, clean and abundant water, unpolluted air, more and better recrea-

tion facilities, and more and better health services and hospitals.

The major burden of providing these and other such services rests on State and local governments. The demands made have far outrun the fiscal, administrative, and personnel capabilities of State and local governments.

The growth rates of State and local governments have been phenomenal. The number of Federal civilian employees rose from 2.4 million in 1946 to 3 million in October 1967—a 25-percent hike. On the other hand, State and local employee figures jumped in number from 3.6 million in 1946 to 9 million in 1967—an incredible 150 percent leap. Total recruiting needs for administrative, professional, and technical personnel at the local level are now estimated at 250,000 a year, and rapidly growing.

Linked with these developments has been an increase in intergovernmental assistance programs. Federal aid to States and localities amounted to \$1.8 billion in 1948, and is expected to reach \$25 billion for fiscal year 1970, a 1,290-percent increase.

Expanded Federal assistance has aggravated personnel problems at the local government level. Federal programs have moved local government into new and complex areas and programs which have seriously challenged the knowledge and competence of present employees.

James Sundquist and David Davis of the Brookings Institution have described the situation well in "Making Federalism Work":

The irreversible nature of the changes wrought in the Federal system in the past decade gives special urgency to the administrative problems of federalism. While the Federal government will set objectives and allocate marginal resources available for new government programs to achieve the objective, it cannot administer the programs directly in most cases—and should not, even if it could. . . . Administration, perforce, is thrust upon the state and local governments through grant-in-aid programs of various types.

Existing local resources simply do not permit long-range plans for training programs and other personnel services. Recruiting programs are generally feeble, underfinanced, and unsuccessful. Perhaps no greater problem faces local government today than that of attracting and retaining an adequate number of competent employees.

According to a survey conducted by the Public Personnel Association, little more than half of the 346 local government personnel agencies covered gave any attention at all to employee training. The amounts budgeted for this activity were small, commonly ranging from 2 to 10 percent of the total personnel agency budget.

A survey of the International City Managers Association revealed that only 30 percent of the local governments and 40 percent of the States responding conducted regular training programs for their key staff, and many of the programs that were conducted proved inadequate.

What we now have is an ineffective and piecemeal approach for Federal training and technical assistance efforts. Most programs now relate to the needs of

specific grants and to the specific State and local personnel administering them. Neglected has been the overall workings of central personnel management and training, which give local government its day-to-day thrust and capacity.

There is now talk of even greater decentralization of Federal programs. State and local governments should have more responsibility for making their own decisions about program priorities and then administering these same programs. Implementing such proposals will be disastrous, however, if we are not concerned at the same time with the qualifications, abilities, and training of the local government employees who are to run these new programs.

S. 11 provides the mechanism to solve these problems.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Without objection, it is so ordered.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF JUSTICES AND JUDGES OF THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 445, S. 1508. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1508) to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment after line 6, to insert:

(b) The first paragraph of section 373 of title 28, United States Code, is amended by inserting immediately after the last comma therein the following: "or at any age after serving at least twenty years continuously or otherwise."

So as to make the bill read:

S. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 371(b) of title 28, United States Code, is amended by inserting immediately before the period at the end of the first sentence the following: "or at any age after serving at least twenty years continuously or otherwise."

(b) The first paragraph of section 373 of title 28, United States Code, is amended by inserting immediately after the last comma therein the following: "or at any age after serving at least twenty years continuously or otherwise."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PURPLE PRIDE—PURPLE POWER

Mr. DOLE. Mr. President, every day Members of this body rise to make pronouncements concerning our great country. For the most part, we are engaged in serious debate which directly or indirectly affects nearly every American, as well as millions of people throughout the world.

Now and then, something out of the ordinary happens which may not have a great impact on world affairs, but which should be called to the attention of the Members of this body.

I witnessed such an extraordinary happening on Saturday when the Kansas State University Wildcats overwhelmed the great Oklahoma Sooners in Manhattan, Kans., by a score of 59 to 21, the worst loss ever inflicted on an Oklahoma University team. This was a highly significant event and, frankly, one which defies adequate description because Kansas State had not tasted victory over Oklahoma in 35 years.

For years, the Kansas State football team was the "doormat" of the Big Eight Conference, but during all those years thousands of faithful Wilcat fans took defeat in stride and muttered to themselves, "Wait until next year."

This year, under the tutelage of Coach Vince Gibson, the Wildcats have arrived, and even the most casual observers are singing their praises.

"Purple Pride," a slogan initiated by Coach Gibson, has been converted to "Purple Power" in 3 short years. All Kansans, and particularly K-State fans, take great pride in this year's great football team, which for the first time in my memory is the No. 1 team in the Big Eight Conference.

With an overall season record of 5 victories and 1 defeat—and a narrow one at that—the enthusiastic Wildcat fans are certain the Wildcats will be playing in one of the major bowl games on New Year's Day. Certainly the Wildcats deserve a successful season, and I join hundreds and thousands of Kansans and

sports fans all across America in wishing them every success in the weeks ahead.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT'S MESSAGE ON THE MERCHANT MARINE

Mr. BYRD of Virginia. Mr. President, I welcome President Nixon's message to Congress on the merchant marine.

This represents the first national commitment to a strong merchant fleet since the Second World War.

Just after that war, the United States was carrying more than 57 percent of its foreign trade in its own ships. Today, that figure has dropped to 6 percent.

Nearly 96 percent of imported raw materials—materials upon which our security and well-being depend—arrive in this country aboard foreign ships.

Our fleet is down to 950 ships. It ranks behind the fleets of the United Kingdom, Japan, the Soviet Union, Liberia, and Norway.

The United States is a maritime Nation by necessity. Unless we are content to become a second-rate nation, we must export and we must import.

We cannot afford to depend upon foreign fleets to haul our commerce. Experience has shown that these ships may not be available when they are most needed.

Our maritime needs demand that we weld together investments of public funds and private funds with the investment of the genius of American research. We need, too, an investment that is less tangible, namely, one that involves a joint commitment by Government and industry to the goal of a strong merchant fleet.

The President's message will do much to stimulate the needed commitment.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREVENT POLITICAL PAYOFFS

Mr. FANNIN. Mr. President, events of the past few weeks have caused me considerable concern in regard to the future exercise of democratic processes in our country. I am referring to a press report

which appeared in one of the Washington papers to the effect that special interest groups are putting their most highly skilled lobbyists to work on making sure President Nixon's nominee to the Supreme Court, Clement F. Haynsworth, is not confirmed by the Senate.

On the same day this story appeared in Washington, Mr. President, the front page of the Toronto Telegram in Canada carried a banner story detailing some of the pressure brought to bear in this country last year on behalf of a convicted labor racketeer, Harold Chamberlain Banks, resulting in a so-called contribution of more than \$100,000 to the campaign coffers of the Democratic Party.

Many Members of the Senate are familiar with the Hal Banks story. He is an American citizen, convicted of conspiracy to commit assault in Canada in a brutal waterfront war between rival unions. He skipped \$25,000 bail and fled to the United States, where he was arrested aboard a yacht of the Seafarers International Union. Picked up by American authorities upon Canada's request to have him returned to face a perjury charge—the assault charge was not covered under our extradition treaty with Canada—he was bound over for return by the U.S. Commissioner in Brooklyn. This was early in November of 1967.

On December 26, 1967, two highly significant communications were directed to the then Secretary of State, Mr. Dean Rusk; one was a memorandum from the Secretary of Labor, Mr. Willard Wirtz, the other was a long letter from the president of the AFL-CIO, Mr. George Meany.

These missives, Mr. President, both dated the same day, December 26, 1967, urged Banks not be returned to Canada. In addition, Abraham Chayes, backed up by the then Undersecretary of State, Nicholas Katzenbach, urged Mr. Rusk not to send Banks back to Canada. Chayes, incidentally, had been the principal legal advisor to Mr. Rusk before leaving the State Department. At the time of this meeting with Mr. Rusk, Chayes was employed by Banks, or his agents, to plead his case in this highly unusual, secretive procedure before the Secretary, in the Secretary's office.

Mr. Rusk decided that Banks should not go back to Canada, nor should it even be submitted to an impartial international third party for arbitration.

Shortly after his decision, \$5,000 checks began pouring into various Democratic presidential campaign committees around the country until the total contribution amounted to \$100,000—which was reached within a few days.

Last year, as some of you may remember, I attempted to secure the release of the controversial memorandum from Secretary Wirtz. He would not release it. I think we now see the reasons why.

I ask unanimous consent, Mr. President, that the December 26 memorandum from Mr. Wirtz to Mr. Rusk along with the December 26 letter from Mr. Meany to Mr. Rusk be printed in the RECORD at the end of my remarks as exhibits 1 and 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. FANNIN. Mr. President, I do not think it is in the best interests of the American people to have such a bald exercise of the power of union officialdom, when George Meany can, with or without checking with union members, vow that Clement Haynsworth will not sit on the Supreme Court of the United States.

It is not right, Mr. President, for a union goon—who Mr. Meany himself states is a "controversial figure"—be allowed to roam free in the United States as the result of what appears to be a \$100,000 political payoff.

Last April I went to see the new Secretary of State about this "Banks" matter. I simply asked him to look into it again and review the basis of the previous Secretary's decision, particularly in the light of events subsequent to that decision. Members of the administration in power at that time may well have been unaware of the fact that the Seafarers International Union was so willing to unzip its members' purses in return for Hal Banks' freedom. Nevertheless, the payments did take place. No one denies it—least of all the union leaders involved. I just asked the present Secretary to review the whole matter—\$100,000 and all—and see if the Canadian claim that Banks was a labor goon, their Hoffa-in-exile, and ought to be returned to the authorities, was valid.

I have not as yet received a reply, but I think I know why. I am afraid that "holdovers," some of the people left over from the previous administration, are anxious to keep their skirts clean on this issue. I am afraid that the Secretary is a victim of some leftovers who are giving him poor advice. Naturally, a Cabinet officer cannot attend to every detail of his department. That is what a staff is for. I feel sure the Banks matter has come to his attention, Mr. President. I feel equally sure that he must question the complete objectivity of the advice given by some who were involved in the first decision. I am still hopeful that the whole matter can be solved in a way that is satisfactory to Canada and the United States, who should be good friends.

Any citizen, Mr. President, has a right to be heard. But union officials, through the exercise of the tremendous sums of money at their disposal, are apparently able to exercise power that borders on the dictatorial.

The opponents of Judge Haynsworth have manifestly failed to demonstrate their allegation that he is antilabor. In fact, one of the leaders of the fight against Haynsworth was quoted in the press last Wednesday as saying he felt that labor had a "weak case" in trying to substantiate such a theory. Even so, Mr. President, most of the vocal opponents of Judge Haynsworth here in the Senate have in this, as well as previous, Senate confirmation debates, said they do not feel a particular nominee's ideological bent is a legitimate cause for refusing him a seat.

Mr. President, I am sympathetic with some who have cringed before this awesome display. In my view, it is wishful thinking for Republicans to think they

can buy the good will of Mr. Meany and his minions. I do not wish to be misunderstood, Mr. President; I consider George Meany a worthy opponent in this matter. He is fighting for what he considers best, as am I, but he is holding a club over the heads of some that is an intolerable threat to the exercise of democratic processes and has been brought about in large measure by the preferential treatment accorded unions under our internal revenue laws.

He has committed himself and the AFL-CIO treasury to the destruction of Judge Haynsworth just as labor tried to destroy Judge John Parker 40 years ago.

If Mr. Meany and his millions can destroy an honest man of integrity on a flimsy and irresponsible record of the nine page bill of particulars presented by the Senator from Indiana, then no man in the U.S. Senate, or indeed in public life, is safe from their vindictive power.

In the Senate Finance Committee, Mr. President, we are wrestling with the problem of a tax reform bill. One of the items which most urgently needs reform is the section of the IRS code which permits union leaders to exercise this kind of political power and still retain their tax-exempt status. Such preferential treatment is simply not right. Union leaders, in the exercise of their office, should have to abide by the same rule of "no politics" as applies to all other tax-exempt organizations.

In the case I have laid before the Senate today, we have one of the most naked examples of the brash display of monetary power, exercised freely without any form of restraint. And it is made possible by the special status enjoyed by these union leaders under our tax laws.

On September 4, I introduced an amendment to H.R. 13270—amendment No. 145—to the tax bill which would correct this intolerable situation. I am trying to see that the amendment is incorporated in the tax bill. It should be supported by every fair-minded American. I am convinced by the private talks I have had with some rank and file union members, that they support this bill. Of course, it is opposed by union leaders.

What would my amendment do? Plainly and simply, it would require that unions abide by the same statutes that presently apply to other tax-exempt organizations. That is the extent of the amendment, Mr. President. It is simple. It is straightforward.

The events which have transpired over these past days and weeks have convinced me more than ever that the amendment should be a part of the tax laws. I think the majority of Americans, union and nonunion, agree on the restoration of this democratic process and the elimination of an inordinate amount of power in the hands of a few.

Mr. President, I am sure a cry will arise from the AFL headquarters that their political contributions are voluntary, and thus should not make them subject to paying taxes. In anticipation of this kind of argument, Mr. President, I refer to a transcript of oral arguments before the U.S. Supreme Court in which Mr. Joseph Rauh, Jr.—at that time in 1956, he was general counsel for the United Auto Workers—said:

91ST CONGRESS
1ST SESSION

S. 11

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 1969

Referred to the Committee on Education and Labor

AN ACT

To reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Intergovernmental Per-
4 sonnel Act of 1969”.

5 DECLARATION OF POLICY

6 SEC. 2. The Congress hereby finds and declares—

7 That effective State and local governmental institutions
8 are essential in the maintenance and development of the fed-
9 eral system in an increasingly complex and interdependent
10 society.

11 That, since numerous governmental activities adminis-
12 tered by the State and local governments are related to
13 national purpose and are financed in part by Federal funds,
14 a national interest exists in a high caliber of public service
15 in State and local governments.

16 That the quality of public service at all levels of govern-
17 ment can be improved by the development of systems of
18 personnel administration consistent with such merit prin-
19 ciples as—

20 (1) recruiting, selecting, and advancing employees
21 on the basis of their relative ability, knowledge, and
22 skills, including open consideration of qualified appli-
23 cants for initial appointment;

24 (2) providing equitable and adequate compensa-
25 tion;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

SEC. 3. The authorities provided by this Act shall be administered in such manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments in the

1 design, execution, and management of their own systems of
2 personnel administration.

3 TITLE I—DEVELOPMENT OF POLICIES AND
4 STANDARDS

5 DECLARATION OF PURPOSE

6 SEC. 101. The purpose of this title is to provide for
7 intergovernmental cooperation in the development of policies
8 and standards for the administration of programs authorized
9 by this Act.

10 ADVISORY COUNCIL

11 SEC. 102. (a) Within one hundred and eighty days
12 following the date of enactment of this Act, the President
13 shall appoint, without regard to the provisions of title 5,
14 United States Code, governing appointments in the com-
15 petitive service, an advisory council on intergovernmental
16 personnel policy. The President may terminate the council
17 at any time after the expiration of three years following its
18 establishment.

19 (b) The advisory council of not to exceed fifteen
20 members, shall be composed primarily of officials of the
21 Federal Government and State and local governments, but
22 shall also include members selected from educational and
23 training institutions or organizations, public employee orga-
24 nizations, and the general public. At least half of the
25 governmental members shall be officials of State and local

1 governments. The President shall designate a Chairman
2 and a Vice Chairman from among the members of the
3 advisory council.

4 (c) It shall be the duty of the advisory council to study
5 and make recommendations regarding personnel policies and
6 programs for the purpose of—

7 (1) improving the quality of public administration
8 at State and local levels of government, particularly in
9 connection with programs that are financed in whole or
10 in part from Federal funds;

11 (2) strengthening the capacity of State and local
12 governments to deal with complex problems confronting
13 them;

14 (3) aiding State and local governments in training
15 their professional, administrative, and technical em-
16 ployees and officials;

17 (4) aiding State and local governments in develop-
18 ing systems of personnel administration that are respon-
19 sive to the goals and needs of their programs and effec-
20 tive in attracting and retaining capable employees; and

21 (5) facilitating temporary assignments of personnel
22 between the Federal Government and State and local
23 governments and institutions of higher education.

24 (d) Members of the advisory council who are not regu-
25 lar full-time employees of the United States, while serving

1 on the business of the council, including travel time, may
2 receive compensation at rates not exceeding the daily rate
3 for GS-18; and while so serving away from their homes or
4 regular places of business, all members may be allowed travel
5 expenses, including per diem in lieu of subsistence, as author-
6 ized by section 5703 of title 5, United States Code, for
7 individuals in the Government service employed intermit-
8 tently.

9 REPORTS OF ADVISORY COUNCIL

10 SEC. 103. (a) The advisory council on intergovern-
11 mental personnel policy shall from time to time report to the
12 President and to the Congress its findings and recom-
13 mendations.

14 (b) Not later than eighteen months after its establish-
15 ment, the advisory council shall submit an initial report on its
16 activities, which shall include its views and recommenda-
17 tions on—

18 (1) the feasibility and desirability of extending
19 merit policies and standards to additional Federal-State
20 grant-in-aid programs;

21 (2) the feasibility and desirability of extending
22 merit policies and standards to grant-in-aid programs of
23 a Federal-local character;

24 (3) appropriate standards for merit personnel ad-
25 ministration, where applicable, including those estab-

lished by regulations with respect to existing Federal grant-in-aid programs; and

(4) the feasibility and desirability of financial and other incentives to encourage State and local governments in the development of comprehensive systems of personnel administration based on merit principles.

(c) In transmitting to the Congress reports of the advisory council, the President shall submit to the Congress proposals of legislation which he deems desirable to carry out the recommendations of the advisory council.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

DECLARATION OF PURPOSE

SEC. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND

GRANTS

SEC. 202. (a) The United States Civil Service Commission (hereinafter referred to as the "Commission") is authorized to make grants to a State for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or

1 projects, on the certification of the Governor of that State
2 that the programs or projects are consistent with the ap-
3 plicable principles set forth in clauses (1)–(6) of the
4 third paragraph of section 2 of this Act, to strengthen State
5 and local government personnel administration and to fur-
6 nish needed personnel administration services to local govern-
7 ments in that State. The authority provided by this section
8 shall be employed in such a manner as to encourage inno-
9 vation and allow for diversity on the part of State and local
10 governments in the design, execution, and management of
11 their own systems of personnel administration.

12 (b) An application for a grant shall be made at such
13 time or times, and contain such information, as the Com-
14 mission may prescribe. The Commission may make a grant
15 under subsection (a) of this section only if the application
16 thereof—

17 (1) provides for designation, by the Governor or
18 chief executive authority, of the State office that will
19 have primary authority and responsibility for the devel-
20 opment and administration of the approved program or
21 project at the State level;

22 (2) provides for the establishment of merit per-
23 sonnel administration where appropriate and the further
24 improvement of existing systems based on merit prin-
25 ciples;

(3) provides for specific personnel administration improvement needs of the State government and, to the extent appropriate, of the local governments in that State, including State personnel administration services for local governments;

(4) provides assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and

(5) sets forth clear and practicable actions for the improvement of particular aspects of personnel administration such as—

(A) establishment of statewide personnel systems of general or special functional coverage to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(B) making State grants to local governments to strengthen their staffs by improving their personnel administration;

1 (C) assessment of State and local government
2 needs for professional, administrative, and technical
3 manpower, and the initiation of timely and appropri-
4 ate action to meet such needs;

5 (D) strengthening one or more major areas of
6 personnel administration, such as recruitment and
7 selection, training and development, and pay admin-
8 istration;

9 (E) undertaking research and demonstration
10 projects to develop and apply better personnel ad-
11 ministration techniques, including both projects con-
12 ducted by State and local government staffs and
13 projects conducted by colleges or universities or
14 other appropriate nonprofit organizations under
15 grants or contracts;

16 (F) strengthening the recruitment, selection,
17 assignment, and development of handicapped per-
18 sons, women, and members of disadvantaged groups
19 whose capacities are not being utilized fully;

20 (G) achieving the most effective use of scarce
21 professional, administrative, and technical man-
22 power; and

23 (H) increasing intergovernmental cooperation
24 in personnel administration, with respect to such
25 matters as recruiting, examining, pay studies, train-

ing, education, personnel interchange, manpower utilization, and fringe benefits.

LOCAL GOVERNMENT PROGRAMS AND GRANTS

SEC. 203. (a) The Commission is authorized to make grants to a general local government, or a combination of general local governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen the personnel administration of such governments. Such a grant may be made only if, at the time of submission of an application, the State concerned does not then currently have an approved application for a grant adequately providing, in the judgment of the Commission, for assistance in strengthening the personnel administration of that local government or combination of local governments. However, such a grant, except as provided in subsection (b) (1) of this section, may not be made until the expiration of one year from the effective date of the grant provisions of this Act.

1 (b) An application for a grant from a general local
2 government or a combination of general local governments
3 shall be made at such time or times and shall contain such
4 information as the Commission may prescribe. The Commis-
5 sion may make a grant under subsection (a) of this section
6 only if the application therefor meets requirements similar
7 to those established in section 202 (b) of this Act for a
8 State application for a grant, unless any such requirement is
9 specifically waived by the Commission, and the requirements
10 of subsection (c) of this section. Such a grant may cover
11 the costs of developing the program or project covered by
12 the application. The Commission may—

13 (1) waive, at the request of a general local govern-
14 ment or combination of such governments, the one-year
15 waiting period, unless the State concerned declares,
16 within ninety days from the effective date of the grant
17 provisions of this Act, an intent to file an application
18 for a grant that will provide adequately for assistance
19 to the local government or governments; and

20 (2) make grants to general local governments, or
21 combinations of such governments, that serve a popu-
22 lation of less than fifty thousand, if it finds that such
23 grants will help meet essential needs in programs or
24 projects of national interest and will assist general local

governments experiencing special problems in personnel administration related to such programs or projects.

(c) An application to be submitted to the Commission under subsection (b) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review and certification that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act. The Governor may refer the application to the State office designated under section 202 (b) (1) of this Act for review. Comments and recommendations (if any) made as a result of the review, a statement by the general local government or combination of such governments that it has considered the comments and recommendations, and the certification of the Governor shall accompany the application to the Commission. The application need not be accompanied by the certification of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and certification for a period of sixty days without certification by the Governor. However, if during such sixty-day period the Governor (1) has found that the programs or projects are not consistent with the applicable principles set forth in clauses (1)–(6)

1 of the third paragraph of section 2 of this Act and (2) has
2 set forth in writing the reasons, specifically and in detail,
3 therefor, the application may not be submitted to, or be
4 considered by, the Commission.

5 INTERGOVERNMENTAL COOPERATION IN RECRUITING AND
6 EXAMINING

7 SEC. 204. (a) The Commission may join, on a shared-
8 costs basis, with State and local governments in cooperative
9 recruiting and examining activities under such procedures
10 and regulations as may jointly be agreed upon.

11 (b) The Commission also may, on the written request
12 of a State or local government and under such procedures as
13 may be jointly agreed upon, certify to such governments
14 from appropriate Federal registers the names of potential
15 employees. The State or local government making the re-
16 quest shall pay the Commission for the costs, as determined
17 by the Commission, of performing the service, and such pay-
18 ments shall be credited to the appropriation or fund from
19 which the expenses were or are to be paid.

20 TECHNICAL ASSISTANCE

21 SEC. 205. The Commission may furnish technical advice
22 and assistance, on request, to State and general local govern-
23 ments seeking to improve their systems of personnel admin-
24 istration. The Commission may waive, in whole or in part,
25 payments from such governments for the costs of furnishing

1 such assistance. All such payments shall be credited to the
2 appropriation or fund from which the expenses were or are
3 to be paid.

4 COORDINATION OF FEDERAL PROGRAMS

5 SEC. 206. The Commission, after consultation with
6 other agencies concerned, shall—

7 (1) coordinate the personnel administration sup-
8 port and technical assistance given to State and local
9 governments and the support given State programs or
10 projects to strengthen local government personnel ad-
11 ministration, including the furnishing of needed person-
12 nel administration services and technical assistance,
13 under authority of this Act with any such support given
14 under other Federal programs; and

5 (2) make such arrangements, including the collec-
16 tion, maintenance, and dissemination of data on grants
17 for strengthening State and local government personnel
18 administration and on grants to States for furnishing
19 needed personnel administration services and technical
20 assistance to local governments, as needed to avoid dupli-
21 cation and insure consistent administration of related
22 Federal activities.

23 INTERSTATE COMPACTS

24 SEC. 207. The consent of the Congress is hereby given
25 to any two or more States to enter into compacts or other

1 agreements, not in conflict with any law of the United
2 States, for cooperative efforts and mutual assistance (in-
3 cluding the establishment of appropriate agencies) in con-
4 nection with the development and administration of per-
5 sonnel and training programs for employees and officials of
6 State and local governments.

7 TRANSFER OF FUNCTIONS

8 SEC. 208. (a) There are hereby transferred to the
9 Commission all functions, powers, and duties of—

10 (1) the Secretary of Agriculture under section
11 10 (e) (2) of the Food Stamp Act of 1964 (7 U.S.C.
12 2019 (e) (2)) ;

13 (2) the Secretary of Labor under—

14 (A) the Act of June 6, 1933, as amended (29
15 U.S.C. 49 et seq.) ; and

16 (B) section 303 (a) (1) of the Social Security
17 Act (42 U.S.C. 503 (a) (1)) ;

18 (3) the Secretary of Health, Education, and Wel-
19 fare under—

20 (A) sections 134 (a) (6) and 204 (a) (6) of
21 the Mental Retardation Facilities and Community
22 Health Centers Construction Act of 1963 (42
23 U.S.C. 2674 (a) (6) and 2684 (a) (6)) ;

24 (B) section 303 (a) (5) of the Older Ameri-
25 cans Act of 1965 (42 U.S.C. 3023 (a) (5)) ;

(C) sections 314 (a) (2) (F) and (d) (2) (F) and 604 (a) (8) of the Public Health Service Act (42 U.S.C. 246 (a) (2) (F) and (d) (2) (F) and 291d (a) (8)) ; and

(D) sections 2 (a) (5) (A), 402 (a) (5) (A), 505 (a) (3) (A), 1002 (a) (5) (A), 1402 (a) (5) (A), 1602 (a) (5) (A), and 1902 (a) (4) (A) of the Social Security Act (42 U.S.C. 302 (a) (5) (A), 602 (a) (5) (A), 705 (a) (3) (A), 1202 (a) (5) (A), 1352 (a) (5) (A), 1382 (a) (5) (A), and 1396a (a) (4) (A)) ; and

(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grant-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program;

insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) The Commission shall—

(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed by the Commission under subsection (a) of this section; and

1 (2) advise Federal agencies administering pro-
2 grams of grants or financial assistance as to the applica-
3 tion of required personnel administration standards, and
4 recommend and coordinate the taking of such actions
5 by the Federal agencies as the Commission considers
6 will most effectively carry out the purpose of this title.

7 (c) So much of the personnel, property, records, and
8 unexpended balances of appropriations, allocations, and other
9 funds of any Federal agency employed, used, held, available,
10 or to be made available in connection with the functions,
11 powers, and duties vested in the Commission by this section
12 as the Director of the Bureau of the Budget shall determine
13 shall be transferred to the Commission at such time or times
14 as the Director shall direct.

15 (d) Personnel standards prescribed by Federal agencies
16 under laws and regulations referred to in subsection (a) of
17 this section shall continue in effect until modified or super-
18 seded by standards prescribed by the Commission under
19 subsection (a) of this section.

20 (e) Any standards or regulations established pursuant
21 to the provisions of this section shall be such as to encourage
22 innovation and allow for diversity on the part of State and
23 local governments in the design, execution, and management
24 of their own individual systems of personnel ad-
25 ministration.

1 (f) Nothing in this section or in section 202 or 203 of
2 this Act shall be construed to—

3 (1) authorize any agency or official of the Federal
4 Government to exercise any authority, direction, or con-
5 trol over the selection, assignment, advancement, reten-
6 tion, compensation, or other personnel action with re-
7 spect to any individual State or local employee;

8 (2) authorize the application of personnel stand-
9 ards on a merit basis to the teaching personnel of edu-
10 cational institutions or school systems;

11 (3) prevent participation by employees or em-
12 ployee organizations in the formulation of policies and
13 procedures affecting the conditions of their employment,
14 subject to the laws and ordinances of the State or local
15 government concerned;

16 (4) require or request any State or local govern-
17 ment employee to disclose his race, religion, or national
18 origin, or the race, religion, or national origin, of any of
19 his forebears;

20 (5) require or request any State or local govern-
21 ment employee, or any person applying for employment
22 as a State or local government employee, to submit to
23 any interrogation or examination or to take any psycho-
24 logical test or any polygraph test which is designed to
25 elicit from him information concerning his personal re-

1 lationship with any person connected with him by blood
2 or marriage, or concerning his religious beliefs or prac-
3 tices, or concerning his attitude or conduct with respect
4 to sexual matters; or

(6) require or request any State or local government employee to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

12 (g) This section shall become effective sixty days after
13 the date of enactment of this Act.

14 TITLE III—TRAINING AND DEVELOPING STATE
15 AND LOCAL EMPLOYEES

16 DECLARATION OF PURPOSE

SEC. 301. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

21 ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

SEC. 302. (a) In accordance with such conditions as
may be prescribed by the head of the Federal agency con-
cerned, a Federal agency may admit State and local govern-
ment employees and officials to agency training programs

1 established for Federal professional, administrative, or tech-
2 nical personnel.

3 (b) Federal agencies may waive, in whole or in part,
4 payments from, or on behalf of, State and local governments
5 for the costs of training provided under this section. Pay-
6 ments received by the Federal agency concerned for train-
7 ing under this section shall be credited to the appropriation
8 or fund used for paying the training costs.

9 (c) The Commission may use appropriations authorized
10 by this Act to pay the initial additional developmental or
11 overhead costs that are incurred by reason of admittance
12 of State and local government employees to Federal training
13 courses and to reimburse other Federal agencies for such
14 costs.

15 TRAINING OF PERSONNEL ENGAGED IN GRANT-IN-AID
16 PROGRAMS

17 SEC. 303. (a) Any Federal agency administering a
18 program of grants or financial assistance to State or local
19 governments may—

20 (1) establish, provide, and conduct training pro-
21 grams for employees and officials of State and local gov-
22 ernments who have responsibilities related to the feder-
23 ally aided program, and receive or waive, in whole or
24 in part, payments for such training and credit any such

1 payments to the appropriation or fund used for paying
2 the training costs; and

3 (2) authorize State and local governments—

4 (A) from Federal funds available for State or
5 local program administration expenses under grants
6 or financial assistance; or

7 (B) from other Federal grant or financial as-
8 sistance funds when so provided in appropriation or
9 other Acts;

10 to establish, conduct, provide, and support training and edu-
11 cation programs for their employees and officials who have
12 responsibilities related to the federally aided program, in-
13 cluding internship, work-study, fellowship, and similar pro-
14 grams if approved by the Federal agency concerned, pro-
15 vided that full-time, graduate-level education supported
16 under this subsection shall be consistent with provisions
17 made for Government Service Fellowships under section 306
18 of this Act.

19 (b) The State or local government concerned shall—

20 (1) in accordance with eligibility criteria prescribed
21 by the Federal agency concerned, select the individual
22 employees and officials to receive education and training
23 in programs established under this section; and

24 (2) during the period of the education or training,
25 continue the full salary of the employee or official con-

cerned and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR

TRAINING

SEC. 304. (a) If in its judgment training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and general local governments for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs, on the certification of the Governor of that State that the programs are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such grants may not be used to cover costs of full-time graduate-level study, provided for in section 306 of this Act, or the costs of the construction or acquisition of training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments. The authority provided by this section

1 shall be employed in such a manner as to encourage innova-
2 tion and allow for diversity on the part of State and local
3 governments in developing and carrying out training and
4 education programs for their personnel.

5 (b) An application for a grant from a State or general
6 local government shall be made at such time or times, and
7 shall contain such information, as the Commission may pre-
8 scribe. The Commission may make a grant under subsection
9 (a) of this section, only if the application therefor meets
10 requirements established by this subsection unless any re-
11 quirement is specifically waived by the Commission. Such
12 grant to a State, or to a general local government under sub-
13 section (c) of this section, may cover the costs of developing
14 the program covered by the application. The program cov-
15 ered by the application shall—

16 (1) provide for designation, by the Governor or
17 chief executive authority, of the State office that will
18 have primary authority and responsibility for the devel-
19 opment and administration of the program at the State
20 level;

21 (2) provide, to the extent feasible, for coordination
22 with relevant training available under or supported by
23 other Federal Government programs or grants;

1 (3) provide for training needs of the State govern-
2 ment and of local governments in that State;

3 (4) provide, to the extent feasible, for intergovern-
4 mental cooperation in employee training matters, espe-
5 cially within metropolitan or regional areas; and

6 (5) provide assurance that the making of a Federal
7 Government grant will not result in a reduction in
8 relevant State or local government expenditures or the
9 substitution of Federal funds for State or local funds
10 previously made available for these purposes.

11 (c) A grant authorized by subsection (a) of this section
12 may be made to a general local government, or a combina-
13 tion of such governments, that serves a population of
14 fifty thousand or more only if, at the time of the submission
15 of an application, the State concerned does not then cur-
16 rently have an approved application for a grant adequately
17 providing, in judgment of the Commission, for training of
18 employees of that local government or combination of local
19 governments. However, such a grant, except as further pro-
20 vided in this subsection, may not be made until the expiration
21 of one year from the effective date of the grant provisions
22 of this Act. To be approved, an application for a grant under

1 this subsection must meet requirements similar to those estab-
2 lished in subsection (b) of this section for State applications,
3 unless any such requirement is specifically waived by the
4 Commission, and the requirements of subsection (d) of this
5 section. The Commission may—

6 (1) waive, at the request of a general local govern-
7 ment or a combination of such governments, the one-
8 year waiting period provided under subsection (c) of
9 this section unless the State concerned declares, within
10 ninety days from the effective date of the grant provi-
11 sions of this Act, an intent to file an application for a
12 grant that will provide adequately for the training of
13 employees of the general local government or govern-
14 ments; and

15 (2) make grants to general local governments, or
16 combinations of such governments that serve a popu-
17 lation of less than fifty thousand if it finds that such
18 grants will help meet essential needs in programs or
19 projects of national interest and will assist general local
20 governments experiencing special needs for personnel
21 training and education related to such programs or
22 projects.

23 (d) An application to be submitted to the Commission
24 under subsection (c) of this section shall first be submitted

1 by the general local government or combination of such
2 governments to the Governor for review and certification that
3 the programs or projects are consistent with the applicable
4 principles set forth in clauses (1) – (6) of the third paragraph
5 of section 2 of this Act. The Governor may refer the applica-
6 tion to the State office designated under section 304 (b) (1)
7 of this Act for review. Comments and recommendations (if
8 any) made as a result of the review, a statement by the
9 general local government or combination of such governments
10 that it has considered the comments and recommendations,
11 and the certification of the Governor shall accompany the
12 application to the Commission. The application need not be
13 accompanied by the certification of the Governor if the gen-
14 eral local government or combination of such governments
15 certifies to the Commission that the application has been
16 before the Governor for review and certification for a period
17 of sixty days without certification by the Governor. However,
18 if during such sixty-day period the Governor (1) has found
19 that the programs or projects are not consistent with the
20 applicable principles set forth in clauses (1) – (6) of the
21 third paragraph of section 2 of this Act and (2) has set
22 forth in writing the reasons, specifically and in detail,
23 therefor, the application may not be submitted to, or be con-
24 sidered by, the Commission.

1 GRANTS TO OTHER ORGANIZATIONS

2 SEC. 305. (a) The Commission is authorized to make
3 grants to other organizations to pay up to 75 per centum
4 (or, with respect to fiscal years commencing after the expira-
5 tion of three years following the effective date of the grant
6 provisions of this Act, up to 50 per centum) of the costs
7 of providing training to professional, administrative, or
8 technical employees and officials of State or local govern-
9 ments if the Commission—

10 (1) finds substantial State and local government in-
11 terest in the proposed program; and

12 (2) approves the program as meeting such re-
13 quirements as may be prescribed by the Commission in
14 its regulations pursuant to this Act.

15 (b) For the purpose of this section “other organization”
16 means—

17 (1) a national, regional, statewide, areawide, or
18 metropolitan organization, representing member State or
19 local governments;

20 (2) an association of State or local public officials;
21 or

22 (3) a nonprofit organization one of whose principal
23 functions is to offer professional advisory, research, de-
24 velopment, educational or related services to govern-
25 ments.

GOVERNMENT SERVICE FELLOWSHIPS

SEC. 306. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government Service Fellowships for State and local government personnel. The grants may cover—

(1) the necessary costs of the fellowship recipient's books, travel, and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable federally supported programs for each fellow, less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.

1 (c) The State or local government concerned shall—

2 (1) select the individual recipients of the fellow-
3 ships;

4 (2) during the period of the fellowship, continue
5 the full salary of the recipient and normal employment
6 benefits such as credit for seniority, leave accrual, retire-
7 ment, and insurance; and

8 (3) make appropriate plans for the utilization and
9 continuation in public service of employees completing
10 fellowships and outline such plans in the application for
11 the grant.

12 COORDINATION OF FEDERAL PROGRAMS

13 SEC. 307. The Commission, after consultation with
14 other agencies concerned, shall—

15 (1) prescribe regulations concerning administration
16 of training for employees and officials of State and local
17 governments provided for in this title, including require-
18 ments for coordination of and reasonable consistency in
19 such training programs;

20 (2) coordinate the training support given to State
21 and local governments under authority of this Act with
22 training support given such governments under other
23 Federal programs; and

24 (3) make such arrangements, including the collec-
25 tion and maintenance of data on training grants and pro-

1 grams, as may be necessary to avoid duplication of pro-
2 grams providing for training and to insure consistent
3 administration of related Federal training activities.

4 **TITLE IV—MOBILITY OF FEDERAL, STATE,**
5 **AND LOCAL EMPLOYEES**

6 **DECLARATION OF PURPOSE**

7 SEC. 401. The purpose of this title is to provide for the
8 temporary assignment of personnel between the Federal
9 Government and State and local governments and institutions
10 of higher education.

11 **AMENDMENTS TO TITLE 5, UNITED STATES CODE**

12 SEC. 402. (a) Chapter 33 of title 5, United States Code,
13 is amended by inserting the following new subchapter at the
14 end thereof:

15 **“SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES**

16 **“§ 3371. Definitions**

17 **“For the purpose of this subchapter—**

18 **“ (1) ‘State’ means—**

19 **“ (A) a State of the United States, the District**
20 **of Columbia, the Commonwealth of Puerto Rico, and**
21 **a territory or possession of the United States; and**

22 **“ (B) an instrumentality or authority of a State**
23 **or States as defined in subparagraph (A) of this**
24 **paragraph (1) and a Federal-State authority or**
25 **instrumentality; and**

1 “(2) ‘local government’ means—

2 “(A) any political subdivision, instrumentality,
3 or authority of a State or States as defined in sub-
4 paragraph (A) of paragraph (1) ; and

5 “(B) any general or special purpose agency of
6 such a political subdivision, instrumentality, or
7 authority.

8 “§ 3372. General provisions

9 “(a) On request from or with the concurrence of a
10 State or local government, and with the consent of the em-
11 ployee concerned, the head of an executive agency may
12 arrange for the assignment of—

13 “(1) an employee of his agency to a State or local
14 government; and

15 “(2) an employee of a State or local government
16 to his agency;

17 for work of mutual concern to his agency and the State or
18 local government that he determines will be beneficial to
19 both. The period of an assignment under this subchapter may
20 not exceed two years. However, the head of an executive
21 agency may extend the period of assignment for not more
22 than two additional years.

23 “(b) This subchapter is authority for and applies to the
24 assignment of—

1 “(1) an employee of an executive agency to an
2 institution of higher education; and

3 “(2) an employee of an institution of higher educa-
4 tion to an executive agency.

5 “§ 3373. Assignment of employees to State and local gov-
6 ernments

7 “(a) An employee of an executive agency assigned to
8 a State or local government under this subchapter is deemed,
9 during the assignment, to be either—

10 “(1) on detail to a regular work assignment in his
11 agency; or

12 “(2) on leave without pay from his position in the
13 agency.

14 An employee assigned either on detail or on leave without
15 pay remains an employee of his agency. The Federal Tort
16 Claims Act and any other Federal tort liability statute apply
17 to an employee so assigned. The supervision of the duties of
18 an employee on detail may be governed by agreement
19 between the executive agency and the State or local govern-
20 ment concerned.

21 “(b) The assignment of an employee of an executive
22 agency either on detail or on leave without pay to a State
23 or local government under this subchapter may be made with
24 or without reimbursement by the State or local government

1 for the travel and transportation expenses to or from the place
2 of assignment and for the pay, or supplemental pay, or a
3 part thereof, of the employee during assignment. Any reim-
4 bursements shall be credited to the appropriation of the
5 executive agency used for paying the travel and transporta-
6 tion expenses or pay.

7 “(c) For an employee so assigned and on leave with-
8 out pay—

9 “(1) if the rate of pay for his employment by the
10 State or local government is less than the rate of pay he
11 would have received had he continued in his regular
12 assignment in the agency, he is entitled to receive supple-
13 mental pay from the agency in an amount equal to the
14 difference between the State or local government rate
15 and the agency rate;

16 “(2) he is entitled to annual and sick leave to the
17 same extent as if he had continued in his regular assign-
18 ment in the agency; and

19 “(3) he is entitled, notwithstanding other
20 statutes—

21 “(A) to continuation of his insurance under
22 chapter 87 of this title, and coverage under chapter
23 89 of this title or other applicable authority, so long
24 as he pays currently into the Employee’s Life In-
25 surance Fund and the Employee’s Health Benefits

1 Fund or other applicable health benefits system
2 (through his employing agency) the amount of the
3 employee contributions;

4 “(B) to credit the period of his assignment un-
5 der this subchapter toward periodic step-increases,
6 retention, and leave accrual purposes, and, on pay-
7 ment into the Civil Service Retirement and Disabil-
8 ity Fund or other applicable retirement system of the
9 percentage of his State or local government pay, and
10 of his supplemental pay, if any, that would have
11 been deducted from a like agency pay for the
12 period of the assignment and payment by the execu-
13 tive agency into the fund or system of the amount
14 that would have been payable by the agency during
15 the period of the assignment with respect to a like
16 agency pay, to treat (notwithstanding section 8348
17 (g) of this title) his service during that period as
18 service of the type performed in the agency imme-
19 diately before his assignment; and

20 “(C) for the purpose of subchapter I of chapter
21 85 of this title, to credit the service performed during
22 the period of his assignment under this subchapter
23 as Federal service, and to consider his State or local
24 government pay (and his supplemental pay, if any)

1 as Federal wages. To the extent that the service
2 could also be the basis for entitlement to unemploy-
3 ment compensation under a State law, the employee
4 may elect to claim unemployment compensation on
5 the basis of the service under either the State law or
6 subchapter I of chapter 85 of this title.

7 However, an employee or his beneficiary may not receive
8 benefits referred to in subparagraphs (A) and (B) of this
9 paragraph (3), based on service during an assignment under
10 this subchapter for which the employee or, if he dies without
11 making such an election, his beneficiary elects to receive
12 benefits, under any State or local government retirement or
13 insurance law or program, which the Civil Service Commis-
14 sion determines to be similar. The executive agency shall
15 deposit currently in the Employee's Life Insurance Fund,
16 the Employee's Health Benefits Fund or other applicable
17 health benefits system, respectively, the amount of the Gov-
18 ernment's contributions on account of service with respect to
19 which employee contributions are collected as provided in
20 subparagraphs (A) and (B) of this paragraph (3).

21 “(d) (1) An employee so assigned and on leave with-
22 out pay who dies or suffers disability as a result of personal
23 injury sustained while in the performance of his duty during
24 an assignment under this subchapter shall be treated, for the
25 purpose of subchapter I of chapter 81 of this title, as though

1 he were an employee as defined by section 8101 of this title
2 who had sustained the injury in the performance of duty.
3 When an employee (or his dependents in case of death) en-
4 titled by reason of injury or death to benefits under subchap-
5 ter I of chapter 81 of this title is also entitled to benefits from
6 a State or local government for the same injury or death, he
7 (or his dependents in case of death) shall elect which bene-
8 fits he will receive. The election shall be made within one
9 year after the injury or death, or such further time as the
10 Secretary of Labor may allow for reasonable cause shown.
11 When made, the election is irrevocable unless otherwise pro-
12 vided by law.

13 “(2) An employee who elects to receive benefits from a
14 State or local government may not receive an annuity under
15 subchapter III of chapter 83 of this title and benefits from
16 the State or local government for injury or disability to him-
17 self covering the same period of time. This provision does
18 not—

19 “(A) bar the right of a claimant to the greater
20 benefit conferred by either the State or local govern-
21 ment or subchapter III of chapter 83 of this title for
22 any part of the same period of time;

23 “(B) deny to an employee an annuity accruing to
24 him under subchapter III of chapter 83 of this title on
25 account of service performed by him; or

1 “(C) deny any concurrent benefit to him from the
2 State or local government on account of the death of
3 another individual.

4 **“§ 3374. Assignments of employees from State or local**
5 **governments**

6 “(a) An employee of a State or local government who
7 is assigned to an executive agency under an arrangement
8 under this subchapter may—

9 “(1) be appointed in the executive agency with-
10 out regard to the provisions of this title governing ap-
11 pointment in the competitive service for the agreed
12 period of the assignment; or

13 “(2) be deemed on detail to the executive agency.

14 “(b) An employee given an appointment is entitled to
15 pay in accordance with chapter 51 and subchapter III of
16 chapter 53 of this title or other applicable law, and is
17 deemed an employee of the executive agency for all pur-
18 poses except—

19 “(1) subchapter III of chapter 83 of this title or
20 other applicable retirement system;

21 “(2) chapter 87 of this title; and

22 “(3) chapter 89 of this title or other applicable
23 health benefits system unless his appointment results in
24 the loss of coverage in a group health benefits plan the

premium of which has been paid in whole or in part
by a State or local government contribution.

“(c) During the period of assignment, a State or local
government employee on detail to an executive agency—

“(1) is not entitled to pay from the agency;

“(2) is deemed an employee of the agency for the
purpose of chapter 73 of this title, sections 203, 205,
207, 208, 209, 602, 603, 606, 607, 643, 654, 1905,
and 1913 of title 18, section 638a of title 31, and the
Federal Tort Claims Act and any other Federal tort
liability statute; and

“(3) is subject to such regulations as the President
may prescribe.

The supervision of the duties of such an employee may be
governed by agreement between the executive agency and
the State or local government concerned. A detail of a State
or local government employee to an executive agency may
be made with or without reimbursement by the executive
agency for the pay, or a part thereof, of the employee during
the period of assignment.

“(d) A State or local government employee who is
given an appointment in an executive agency for the
period of the assignment or who is on detail to an executive
agency and who suffers disability or dies as a result of

1 personal injury sustained while in the performance of his
2 duty during the assignment shall be treated, for the purpose
3 of subchapter I of chapter 81 of this title, as though he
4 were an employee as defined by section 8101 of this title
5 who had sustained the injury in the performance of duty.
6 When an employee (or his dependents in case of death)
7 entitled by reason of injury or death to benefits under sub-
8 chapter I of chapter 81 of this title is also entitled to
9 benefits from a State or local government for the same
10 injury or death, he (or his dependents in case of death)
11 shall elect which benefits he will receive. The election
12 shall be made within 1 year after the injury or death, or
13 such further time as the Secretary of Labor may allow
14 for reasonable cause shown. When made, the election is
15 irrevocable unless otherwise provided by law.

16 “(e) If a State or local government fails to continue
17 the employer’s contribution to State or local government
18 retirement, life insurance, and health benefit plans for a
19 State or local government employee who is given an ap-
20 pointment in an executive agency, the employer’s con-
21 tributions covering the State or local government employee’s
22 period of assignment, or any part thereof, may be made
23 from the appropriations of the executive agency concerned.

24 **“§ 3375. Travel expenses**

25 “(a) Appropriations of an executive agency are avail-

1 able to pay, or reimburse, a Federal or State or local gov-
2 ernment employee in accordance with—

3 “(1) subchapter I of chapter 57 of this title, for
4 the expenses of—

5 “(A) travel, including a per diem allowance,
6 to and from the assignment location;

7 “(B) a per diem allowance at the assignment
8 location during the period of the assignment; and

9 “(C) travel, including a per diem allowance,
10 while traveling on official business away from his
11 designated post of duty during the assignment when
12 the head of the executive agency considers the travel
13 in the interest of the United States;

14 “(2) section 5724 of this title, for the expenses of
15 transportation of his immediate family and of his house-
16 hold goods and personal effects to and from the assign-
17 ment location;

18 “(3) section 5724a (a) (1) of this title, for the
19 expenses of per diem allowances for the immediate
20 family of the employee to and from the assignment
21 location;

22 “(4) section 5724a (a) (3) of this title, for sub-
23 sistence expenses of the employee and his immediate
24 family while occupying temporary quarters at the assign-

1 ment location and on return to his former post of duty;
2 and

3 “(5) section 5726 (c) of this title, for the expenses
4 of nontemporary storage of household goods and per-
5 sonal effects in connection with assignment at an isolated
6 location.

7 “(b) Expenses specified in subsection (a) of this sec-
8 tion, other than those in paragraph (1) (C), may not be
9 allowed in connection with the assignment of a Federal or
10 State or local government employee under this subchapter,
11 unless and until the employee agrees in writing to complete
12 the entire period of his assignment or one year, whichever
13 is shorter, unless separated or reassigned for reasons beyond
14 his control that are acceptable to the executive agency con-
15 cerned. If the employee violates the agreement, the money
16 spent by the United States for these expenses is recoverable
17 from the employee as a debt due the United States. The
18 head of the executive agency concerned may waive in
19 whole or in part a right of recovery under this subsection
20 with respect to a State or local government employee on
21 assignment with the agency.

22 “(c) Appropriations of an executive agency are avail-
23 able to pay expenses under section 5742 of this title with
24 respect to a Federal or State or local government employee
25 assigned under this subchapter.

1 “§ 3376. Regulations

2 “The President may prescribe regulations for the ad-
3 ministration of this subchapter.”

4 (b) The analysis of chapter 33 of title 5, United States
5 Code, is amended by inserting the following at the end
6 thereof:

 “SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

“Sec.

“3371. Definitions.

“3372. General provisions.

“3373. Assignments of employees to State or local governments.

“3374. Assignments of employees from State or local governments.

“3375. Travel expenses.

“3376. Regulations.”

7 REPEAL OF SPECIAL AUTHORITIES

8 SEC. 403. The Act of August 2, 1956, as amended (7
9 U.S.C. 1881–1888), section 507 of the Act of April 11, 1965
10 (20 U.S.C. 867), and section 314 (f) of the Public Health
11 Service Act (42 U.S.C. 246 (f)) (less applicability to com-
12 missioned officers of the Public Health Service) are hereby
13 repealed.

14 SEC. 404. This title shall become effective sixty days
15 after the date of enactment of this Act.

16 TITLE V—GENERAL PROVISIONS

17 DECLARATION OF PURPOSE

18 SEC. 501. The purpose of this title is to provide for the
19 general administration of titles I, II, III, and V of this Act
20 (hereinafter referred to as “this Act”), and to provide for
21 the establishment of certain advisory committees.

DEFINITIONS

SEC. 502. For the purpose of this Act—

(1) “Commission” means the United States Civil Service Commission;

(2) “Federal agency” means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) “local government” means a city, town, county, or other subdivision or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A “general local government” means a city, town, county, or comparable general-purpose political subdivision of a State.

GENERAL ADMINISTRATIVE PROVISIONS

SEC. 503. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

1 (b) The Commission shall furnish such advice and as-
2 sistance to State and local governments as may be necessary
3 to carry out the purposes of this Act.

4 (c) In the performance of, and with respect to, the
5 functions, powers, and duties vested in it by this Act, the
6 Commission may—

7 (1) issue such standards and regulations as may
8 be necessary to carry out the purposes of this Act;

9 (2) consent to the modification of any contract en-
10 tered into pursuant to this Act, such consent being sub-
11 ject to any specific limitations of this Act;

12 (3) include in any contract made pursuant to this
13 Act such covenants, conditions, or provisions as it deems
14 necessary to assure that the purposes of this Act will
15 be achieved; and

16 (4) utilize the services and facilities of any Federal
17 agency, any State or local government, and any other
18 public or nonprofit agency or institution, on a reim-
19 bursable basis or otherwise, in accordance with agree-
20 ments between the Commission and the head thereof.

21 (d) In the performance of, and with respect to the
22 functions, powers, and duties vested in it by this Act, the
23 Commission—

24 (1) may collect information from time to time with
25 respect to State and local government training programs

1 and personnel administration improvement programs and
2 projects under this Act, and make such information
3 available to interested groups, organizations, or agencies,
4 public or private;

5 (2) may conduct such research and make such eval-
6 uation as needed for the efficient administration of this
7 Act; and

8 (3) shall include in its annual report a report of
9 the administration of this Act.

10 (e) The provisions of this Act are not a limitation on
11 existing authorities under other statutes but are in addition
12 to any such authorities, unless otherwise specifically pro-
13 vided in this Act.

14 REPORTING REQUIREMENTS

15 SEC. 504. (a) A State or local government office desig-
16 nated to administer a program or project under this Act shall
17 make reports and evaluations in such form, at such times,
18 and containing such information concerning the status and
19 application of Federal funds and the operation of the ap-
20 proved program or project as the Commission may require,
21 and shall keep and make available such records as may be
22 required by the Commission for the verification of such
23 reports and evaluations.

24 (b) An organization which receives a training grant
25 under section 305 of this Act shall make reports and evalua-

1 tions in such form, at such times, and containing such infor-
2 mation concerning the status and application of Federal
3 grant funds and the operation of the training program as the
4 Commission may require, and shall keep and make available
5 such records as may be required by the Commission for the
6 verification of such reports and evaluations.

7 REVIEW AND AUDIT

8 SEC. 505. The Commission, the head of the Federal
9 agency concerned, and the Comptroller General of the United
10 States, or any of their duly authorized representatives, shall
11 have access, for the purpose of audit and examination, to
12 any books, documents, papers, and records of a grant recip-
13 ient that are pertinent to the grant received.

14 DISTRIBUTION OF GRANTS

15 SEC. 506. (a) The Commission shall allocate 20 per
16 centum of the total amount available for grants under this
17 Act in such manner as will most nearly provide an equitable
18 distribution of the grants among States and between State
19 and local governments, taking into consideration such factors
20 as the size of the population, number of employees affected,
21 the urgency of the programs or projects, the need for funds
22 to carry out the purposes of this Act, and the potential of
23 the governmental jurisdictions concerned to use the funds
24 most effectively.

25 (b) (1) The Commission shall allocate 80 per centum of

1 the total amount available for grants under this Act among
2 the States on a weighted formula taking into consideration
3 such factors as the size of population and the number of State
4 and local government employees affected.

5 (2) The amount allocated for each State under para-
6 graph (1) of this subsection shall be further allocated by the
7 Commission to meet the needs of both the State government
8 and the local governments within the State on a weighted
9 formula taking into consideration such factors as the number
10 of State and local government employees and the amount of
11 State and local government expenditures. The Commission
12 shall determine the categories of employees and expenditures
13 to be included or excluded, as the case may be, in the number
14 of employees and amount of expenditures. The minimum
15 allocation for meeting needs of local governments in each
16 State (other than the District of Columbia) shall be 50 per
17 centum of the amount allocated for the State under paragraph
18 (1) of this subsection.

19 (3) The amount of any allocation under paragraph
20 (2) of this subsection which the Commission determines, on
21 the basis of information available to it, will not be used to
22 meet needs for which allocated shall be available for use to
23 meet the needs of the State government or local governments
24 in that State, as the case may be, on such date or dates as the
25 Commission may fix.

1 (4) The amount allocated for any State under paragraph
2 (1) of this subsection which the Commission determines, on
3 the basis of information available to it, will not be used shall
4 be available for reallocation by the Commission from time
5 to time, on such date or dates as it may fix, among other
6 States with respect to which such a determination has not
7 been made, in accordance with the formula set forth in para-
8 graph (1) of this subsection, but with such amount for any of
9 such other States being reduced to the extent it exceeds the
10 sum the Commission estimates said State needs and will be
11 able to use; and the total of such reductions shall be similarly
12 reallocated among the States whose proportionate amounts
13 were not so reduced.

14 (5) For the purposes of this subsection, "State" means
15 the several States of the United States and the District of
16 Columbia.

17 (c) Notwithstanding the other provisions of this section,
18 the total of the payments from the appropriations for any
19 fiscal year under this Act made with respect to programs
20 or projects in any one State may not exceed an amount equal
21 to $12\frac{1}{2}$ per centum of such appropriation.

22 TERMINATION OF GRANTS

23 SEC. 507. Whenever the Commission, after giving rea-
24 sonable notice and opportunity for hearing to the State or
25 general local government concerned, finds—

1 (1) that a program or project has been so changed
2 that it no longer complies with the provisions of this
3 Act; or

4 (2) that in the operation of the program or project
5 there is a failure to comply substantially with any such
6 provision;

7 the Commission shall notify the State or general local gov-
8 ernment of its findings and no further payments may be
9 made to such government by the Commission until it is satis-
10 fied that such noncompliance has been, or will promptly be,
11 corrected. However, the Commission may authorize the con-
12 tinuance of payments to those projects approved under this
13 Act which are not involved in the noncompliance.

14 ADVISORY COMMITTEES

15 SEC. 508. (a) The Commission may appoint, without
16 regard to the provisions of title 5, United States Code, gov-
17 erning appointments in the competitive service, such advisory
18 committee or committees as it may determine to be necessary
19 to facilitate the administration of this Act.

20 (b) Members of advisory committees who are not regu-
21 lar full-time employees of the United States, while serving on
22 the business of the committees including traveltime may re-
23 ceive compensation at rates not exceeding the daily rate for
24 GS-18; and while so serving away from their homes or
25 regular places of business may be allowed travel expenses,

1 including per diem in lieu of subsistence, as authorized by
2 section 5703 of title 5, United States Code, for individuals in
3 the Government service employed intermittently.

4 APPROPRIATION AUTHORIZATION

5 SEC. 509. There are authorized to be appropriated,
6 without fiscal year limitation, such sums as may be necessary
7 to carry out the programs authorized by this Act.

8 REVOLVING FUND

9 SEC. 510. (a) Section 1304 (e) of title 5, United States
10 Code, is amended to read as follows:

11 “(e) (1) A revolving fund is available to the Commis-
12 sion without fiscal year limitation for financing—

13 “(A) investigations, training, and such other func-
14 tions and services as the Commission is authorized or
15 required to perform on a reimbursable basis; and

16 “(B) such other functions and services as the Com-
17 mission, with the approval of the Bureau of the Budget,
18 determines may be financed more advantageously
19 through the fund, and to the maximum extent feasible,
20 each individual activity shall be conducted generally on
21 an actual cost basis over a reasonable period of time.

22 “(2) The capital of the fund consists of the aggre-
23 gate of—

24 “(A) appropriations made to provide capital for the
25 fund, which appropriations are hereby authorized; and

1 “(B) the sum of the fair and reasonable value of
2 such supplies, equipment, and other assets as the Com-
3 mission from time to time transfers to the fund (includ-
4 ing the amount of unexpended balances of appropriations
5 or funds relating to activities the financing of which is
6 transferred to the fund) less the amount of related lia-
7 bilities, the amount of unpaid obligations, and the value
8 of accrued annual leave of employees, which are attrib-
9 utable to the activities the financing of which is trans-
10 ferred to the fund.

11 “(3) The fund shall be credited with—

12 “(A) reimbursements and advance payments from
13 available funds of the Commission, other agencies, or
14 State or local governments, or from other sources, for
15 those services and supplies provided at rates estimated
16 by the Commission as adequate to recover expenses of
17 operation, including provision for accrued annual leave
18 of employees, the depreciation of equipment, and the
19 net losses on property transferred or donated to the
20 fund; and

21 “(B) receipts from sales or exchanges of property,
22 and payments for loss or damage to property, accounted
23 for under the fund.

24 “(4) Any unobligated and unexpended balances in the
25 fund that the Commission determines to be in excess of the

1 amounts needed for activities financed by the fund shall be
2 deposited in the Treasury of the United States as miscel-
3 laneous receipts.”

4 (b) Section 1304 (f) of title 5, United States Code, is
5 amended by striking out “investigations made” and insert-
6 ing “investigations, training, and functions performed” in
7 place thereof.

8 (c) The fund referred to in the amendment made by
9 subsection (a) of this section shall be held and considered
10 to be the same fund as that referred to in section 1304 (e)
11 of title 5, United States Code, as in existence immediately
12 prior to such amendment, and the capital thereof immediately
13 following such amendment shall be the same as that imme-
14 diately prior to such amendment.

15 LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST

16 SHARING

17 SEC. 511. Federal funds made available to State or
18 local governments under other programs may not be used
19 by the State or local government for cost-sharing purposes
20 under grant provisions of this Act, except that Federal
21 funds of a program financed wholly by Federal funds
22 may be used to pay a pro-rata share of such cost sharing.
23 State or local government funds used for cost sharing
24 on other federally assisted programs may not be used for
25 cost sharing under grant provisions of this Act.

1 METHOD OF PAYMENT

2 SEC. 512. Payments under this Act may be made in
3 installments, and in advance or by way of reimbursement,
4 as the Commission may determine, with necessary adjust-
5 ments on account of overpayments or underpayments.

6 EFFECTIVE DATE OF GRANT PROVISIONS

7 SEC. 513. Grant provisions of this Act shall become
8 effective one hundred and eighty days following the date
9 of enactment of this Act.

10 CONFLICTS OF INTEREST—EXEMPTION

11 SEC. 514. Section 207 (b) , title 18, United States Code,
12 is amended by adding the following before the period at the
13 end thereof: “: *And provided further*, That nothing in sub-
14 section (a) or (b) shall prevent a former officer or employee,
15 including a special Government employee, from acting or
16 appearing personally as agent or attorney for a unit of State
17 or local government, or two or more such units, if (i) the
18 former officer or employee is a full-time officer or employee of
19 such unit or units; and (ii) the head of the department or

1 agency concerned with the matter shall certify that in his
2 opinion the interest of the Government will not be prejudiced
3 by such action or appearance by the former officer or
4 employee”.

Passed the Senate October 27, 1969.

Attest:

FRANCIS R. VALEO,

Secretary.

AN ACT

To reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

OCTOBER 28, 1969

Referred to the Committee on Education and Labor

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 14, 1970
91st-2nd; No. 200

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HIGHLIGHTS: Conference report on water carrier mixing bill printed.
Senate passed egg inspection bill without amendment.
Senate passed supplemental appropriations bill with amendments.

SENATE

1. EGG INSPECTION. Passed without amendment H.R. 19988, providing for inspection of certain egg products by the Department of Agriculture. This bill now goes to the President. p. S20124
2. APPROPRIATIONS. Passed H.R. 19928, making supplemental appropriations for FY 1971, adopting all committee amendments and four additional amendments. This bill contains funds for the Forest Service and the Youth Conservation Corps. pp. S20102-33
Received proposed supplemental appropriation from the President to cover claims and judgments rendered against the United States. p. S20070

3. WATER RESOURCES; LAND USE. Sen. Jackson reported favorably from the Committee on Interior and Insular Affairs, with an amendment, S. 3354, to amend the Water Resources Planning Act to include provision for national land use policy, (S. Rept. No. 91-1435). p. S20071
4. INTERNATIONAL TRADE. Sen. Javits placed in the Record the latest analysis of the U.S. trade position prepared by the Department of Defense, which reflects rise in farm exports. pp. S20079-81

HOUSE

5. WATER CARRIERS. Conferees filed a report on H.R. 8298, the water carrier mixing rule bill and the text was included in the Record (H. Rept. 91-1744). pp. H11669-70, H11681

6. COMMITTEE ACTION.

Committee on Education and Labor reported with amendment S. 11, proposed Intergovernmental Personnel Act of 1970 (H. Rept. 91-1733). p. H11681

Committee on Ways and Means reported with amendment H.R. 19242, to amend the Internal Revenue Code of 1954, to extend its application from citrus groves to almond groves (H. Rept. 91-1737). p. H11681

Conferees filed a report on H.R. 17867, FY 71 foreign assistance appropriations (H. Rept. 91-1745). p. H11681

Conferees agreed to file a report on S. 2162, regarding the packaging of hazardous substances. p. D1273

EXTENSION OF REMARKS

7. FOOD STAMPS. Rep. O'Hara criticized those who would deny food stamps to strikers noting that the right to withhold one's labor was unique to a free society and should not be subject to forced bargaining because of hunger. pp. E10398-400
8. FARMERS. Rep. Zwach stressed the need to increase parity of farm prices to keep the farming segment of the economy from complete financial ruin. p. E10407

BILLS INTRODUCED

9. TOBACCO. S.J. Res. 249 by Sen. Cooper, and H.J. Res. 1415 by Rep. Wampler, to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971; to the Committee on Agriculture. Remarks of author (S.J. Res. 249), p. S20133.

INTERGOVERNMENTAL PERSONNEL ACT OF 1970

DECEMBER 14, 1970.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PERKINS, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany S. 11]

The Committee on Education and Labor, to whom was referred the bill (S. 11) to reinforce the Federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government and State and local governments, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the matter that appears in italic type in the reported bill.

PURPOSE

S. 11, as amended, is designed to improve the quality of American Government, with particular emphasis given to strengthening State and local governments through improved personnel administration and more efficient recruiting and training of personnel, particularly in the administrative, technical, and professional categories. It is intended to provide the first comprehensive Federal aid program for improving and strengthening State and local personnel administration. It focuses on three basic problems in the public manpower area: the interchange of Federal, State, and local employees; training programs; and personnel management.

It is the purpose of the bill to provide for a system of Federal financial and technical assistance and other Federal support to State and local governments. The authorities granted by the bill are to be employed in a manner designed to encourage innovation and to allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration and their own training programs.

Specifically, the bill seeks to achieve the following ends:

1. To provide for intergovernmental cooperation, through an advisory council appointed by the President, in the development of policies and standards for the administration of programs for improvement of State and local personnel administration and training. The advisory council would report from time to time to the President and to the Congress, and in transmitting to the Congress reports of the advisory council, the President would submit to the Congress proposals of legislation which he deems desirable to carry out recommendations of the advisory council.

2. To authorize the Civil Service Commission to make grants to State and local governments to plan and to make improvements in their systems of personnel administration.

3. To transfer to the Civil Service Commission responsibility for administration of existing Federal statutory provisions requiring merit personnel administration for State and local employees engaged in certain federally assisted programs.

4. To authorize Federal agencies to admit State and local government officials and employees, particularly in administrative, professional, and technical occupations, to Federal training programs. To meet the costs resulting from the admission of State or local employees or officials to such training programs, the Federal agency concerned may use its appropriations or may be reimbursed by State or local governments, or the Civil Service Commission may use its appropriations to reimburse the Federal agency concerned or make advances toward these costs.

5. To authorize Federal agencies administering programs of financial grants or assistance to State or local governments to provide special training for State and local government officials or employees who have responsibilities related to those programs; and permit State and local governments to use appropriate Federal funds to establish training courses for or to pay certain education expenses of their officials or employees who have responsibilities related to the program concerned.

6. To authorize the Civil Service Commission to make grants to State and local governments and other appropriate organizations for carrying out approved plans for training State and local government employees, for the development of such plans by State and local governments, and for government service fellowships for employees selected for special graduate-level university training.

7. To authorize the Civil Service Commission to join with State and local governments in cooperative recruitment and examining activities and to furnish technical advice and assistance, at the request of State and local governments, to strengthen personnel administration.

8. To give the consent of Congress to interstate compacts designed to improve personnel administration and training for State and local employees.

9. To authorize the temporary exchanging of personnel between the Federal Government and States and local governments.

10. To direct the Civil Service Commission to coordinate activities of Federal agencies in providing training and technical assistance services to State and local governments, so as to avoid duplication of effort and to insure maximum effectiveness of administration.

BACKGROUND

S. 11 was passed by the Senate on October 21, 1969. Thereafter the Special Subcommittee on Education held 3 days of hearings on S. 11, H.R. 5546 (introduced by Mr. Moorhead), and H.R. 13890 (introduced by Mr. Stokes). Witnesses were heard who represented the Civil Service Commission, National Governors' Conference, city of New York, National Association of Counties, National League of Cities, Conference of Mayors, State Personnel Administrators Association, and the Minnesota Higher Education Coordinating Committee.

The views expressed in the testimony of witnesses and in communications by others to the committee were overwhelmingly in support of the objectives of the legislation. They reflected widespread concern among officials of government at every level and among students of public administration over the shortage of personnel properly qualified to carry the responsibilities of modern-day government. Measures to help State and local governments improve their personnel administration and training programs, to provide for greater mobility of professional, administrative, and technical personnel between levels of government, and to promote intergovernmental cooperation in personnel and training matters, all received strong endorsement.

Issues developed during the hearings were resolved by a series of amendments to the Senate bill. The bill, as amended, has the support of the National Governors' Conference, the Conference of Mayors, and the National Association of Counties. The bill, as amended, also has the full support of the administration, as indicated in the following letter from the Chairman of the Civil Service Commission.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D.C., December 9, 1970.

HON. CARL D. PERKINS,
Chairman, Committee on Education and Labor,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I was pleased to learn of the favorable action on S. 11 by the Committee on Education and Labor. The bill as reported out is completely acceptable to us. I would like to emphasize that the administration fully supports this measure and endorses its enactment in its present form.

I appreciate your committee's interest in this legislation and I hope that its action will lead to final congressional approval by the end of this session.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

NEED FOR LEGISLATION

Growth in population and increasing urbanization of the United States are greatly extending State and local government responsibilities. Citizens are demanding more effective government, better education for their children, more and better roads and public transit facilities, clean and plentiful water, unpolluted air, better police and fire protection, more and better recreation facilities, more and better hospitals, better facilities for the treatment of mental illness, programs for safeguarding economic security, and many other services. New and urgent urban problems have developed including: slums and commercial blight, inadequate housing, water and air pollution, crime and juvenile delinquency, racial tensions, unemployment and underemployment, traffic congestion, and inequities in education.

These mushrooming demands generally have been beyond the financial capabilities of the State and local governments to meet. Accordingly, there has been a continually increasing need for Federal aid. In 11 years, total Federal aid to State and local governments has more than quadrupled, rising from \$4.1 billion in 1957 to an estimated \$17.2 billion in 1968.

This aid in recent years has constituted about 15 percent of total State-local revenue and covers a wide variety of activities; from airport construction to urban renewal, from highway construction to public assistance and community development. By a conservative count, there were 162 Federal programs of aid to State and local governments in January 1966.

The need of State and local governments for substantial financial assistance is only one of the many facets of the overall problem of meeting the demands of our citizens and of making our population centers fit places to live. Also critical is the fact that many of the States and local governments, now and in the foreseeable future, lack the highly qualified administrative, professional, and technical personnel in the numbers required to plan, innovate, organize, and execute the wide variety of necessary programs.

Between 1955 and 1965, State and local government employment increased from 4.7 to 7.7 million persons. This is a 63-percent increase—a rate of growth four times that of the U.S. economy as a whole and seven times that for Federal employment.

It is estimated that total State and local government employment will rise from 7.7 million in 1965 to a level of approximately 11.4 million by 1975—an increase of 48 percent. Total recruiting needs for administrative, professional, and technical employees (other than teachers) are estimated at 2.5 million persons over the 10-year period—an average of 250,000 a year. This includes both replacement needs and growth. Nothing similar to this critical manpower situation has ever been faced before by State and local governments.

The national pool of professional, administrative, and technical personnel is limited. The effort to distribute that personnel most usefully and to provide personnel systems with maximum effectiveness and flexibility requires national cooperation and Federal financial aid.

In summary, the problems are: (1) a great and rapidly growing need by State and local governments for professional, administrative, and technical personnel; and (2) a national shortage of such personnel.

The needs are: (1) merit personnel systems that will maximize effective use of personnel; (2) training programs; (3) transferability of personnel among local governments, the States and the Federal Government; and (4) substantial Federal assistance in funding.

PRINCIPLE PROVISIONS

The bill is designed to meet the above described needs and authorizes a series of activities and programs to assist State and local Governments in improving and strengthening their systems of personnel administration and training. The newly authorized activities and programs will include: (1) Intergovernmental cooperation in the development of policies and standards for the administration of programs for improvement of State and local personnel administration and training; (2) grants to State and local governments to plan and to make improvements in their systems of personnel administration; (3) administration of Federal statutory provisions requiring merit personnel administration for State and local employees engaged in certain federally assisted programs; (4) grants to State and local governments and other appropriate organizations for carrying out approved plans for training State and local government employees, for the development of such plans by State and local governments, and for government service fellowships for employees selected for special graduate-level university training; (5) cooperative recruitment and examining activities with State and local governments; (6) advice and assistance at the request of State and local governments, to strengthen personnel administration; and (7) coordination of activities of Federal agencies in providing training and technical assistance services to State and local governments.

Title I of the bill provides for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by the act. This will be accomplished by an Advisory Council on Intergovernmental Personnel Policy which the President will appoint within 6 months after the bill is enacted.

The basic purpose of title II of the bill is to stimulate and assist State and local governments to strengthen their staffs and improve their systems of personnel administration. A related objective is to help bring about the maximum possible degree of effectiveness in the administration of federally-aided programs.

To assist States and local governments to develop and implement comprehensive plans to strengthen their career staffs and their systems of personnel administration on merit principles, title II authorizes the Civil Service Commission to—

Furnish technical advice and assistance, on request to State and general local governments seeking to improve their systems of personnel administration;

Make grants to State and local governments on a matching basis to help offset the costs of developing and carrying out programs or projects to strengthen the personnel administration of such governments;

Join on a share-cost basis, with State and local governments in cooperative recruiting and examining activities;

Coordinate the personnel administration support and technical assistance given to State and local governments and the support given State programs or projects to strengthen local government personnel administration, including the furnishing of needed personnel administration services and technical assistance under this function with any support under other Federal programs; and

Administer Federal statutory provisions requiring the establishment and maintenance of personnel standards on a merit basis for State and local personnel engaged in certain federally assisted programs.

The purpose of title III is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields. Title III authorizes—

Grants on a matching basis to State and local governments and other organizations to help offset the costs of developing and carrying out programs to train and educate State and local government professional, administrative and technical employees and officials;

Grants to support Government Service Fellowships for State and local government personnel;

Reimbursement for the initial additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs;

The covering of training costs incurred by the Commission in admitting State and local government personnel into the Commission's interagency training programs on a partially or non-reimbursable basis.

The purpose of title IV is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

The purpose of title V is to provide for the general administration of the act, and to provide for the establishment of certain advisory committees.

MAJOR ISSUES

In its deliberations on the bill, the committee considered a number of major policy questions posed by differences between provisions of S. 11 as passed by the Senate and points raised in the testimony of witnesses. The decisions reached as reflected in the provisions of S. 11 as amended by the committee are as follows:

AUTHORIZATION

The bill authorizes such sums as are necessary with no set annual amounts listed in order to make it possible to make requests for specific amounts consistent with budgetary requirements for the programs. The authorization is open-ended both in duration and in amount. The Civil Service Commission has advised the committee that it now estimates \$20 million will be requested for the first year of operations under the act, \$30 million in the second, and \$40 million annually in the years thereafter.

ALLOCATION

Under the bill, the Civil Service Commission will make a distribution of 20 percent of the available money among State and local governments on such factors as: relative population, number of employees affected, and urgency of programs or projects.

The remaining 80 percent shall be allocated by the Commission among the States on a weighted formula taking into consideration such factors as (1) the relative population and (2) the number of State and local government employees affected.

Within States, the 80 percent will be further allocated between the State and local governments on a weighted formula, taking into consideration such factors as number of employees and the amount of State and local government expenditures. The minimum allocation for meeting the needs of local governments in each State will be 50 percent of the amount so allocated to the State.

COST-SHARING RATIO

The Federal share for the title II program to assist State and local governments to strengthen their staff by improving their personnel administration is 75 percent during the first 3 years of the program and 50 percent thereafter. The Federal share for the title III program of training grants is on the same cost-sharing ratio.

Under the government service fellowship program Federal funds are authorized (1) to cover the cost of books, transfer and transportation and such related expenses as may be authorized by the Commissioner; (2) for reimbursement to the State or local government for not to exceed 25 percent of the salary of each fellow during the period of the fellowship; and (3) a cost of education allowance at a rate determined by the Commissioner.

ELIGIBLE GRANTEES

State and general local governments are eligible for participation in title II and title III. Under the bill a State is defined as a State of the United States, District of Columbia, Commonwealth of Puerto Rico, a territorial possession of the United States or a Federal interstate agency. A general local government is defined as a city, county, or comparable general-purpose political subdivision of a State. Other organizations are eligible to receive funds for training programs under title III, but only in certain circumstances. "Other organizations," is defined as a national, regional, statewide, areawide, or metropolitan organization, representing member State or local governments; and association of State or local public officials; or a nonprofit organization one of whose principal functions is to offer professional, advisory, research, development, educational or related services to governments. Individuals are not eligible to receive grants.

MAINTENANCE OF EFFORT

Under the bill, State and local governments must assure that the making of a Federal grant will not result in a reduction in relevant State or local government expenditure.

RELATIONSHIP OF STATE TO GENERAL LOCAL GOVERNMENTS IN THE
PROCESSING OF GRANT APPLICATIONS

The general effect of the provisions of the bill is to place the Governor of each State in a strong leadership position with respect to the implementation of the program being authorized, but not to authorize an absolute veto. All applications under title I and title III must be submitted to the Government for review, comments and recommendation. On the other hand, a city, for example, is assured that its application for a grant will reach the Civil Service Commission, with the Governor's comments and recommendations if he makes them, or without them. If he does make them and the Commission does not follow them, the Commission must give an explanation in writing to the Governor.

The Governor is given full opportunity to develop a State plan with the agreement of the local governments or a statewide plan through a State agency established by State law which provides adequate involvement of local government officials.

Coordination and Duplication: The committee was greatly concerned that effective coordination of programs be obtained and that duplication be avoided. To that end the Civil Service Commission is directed (a) to include requirements for coordination in regulations for training programs; (b) to coordinate training programs under this Act with other Federal training programs; and (c) to avoid duplication of training programs, with particular regard to title IX (Education for the Public Service) of the Higher Education Act of 1965. Similar coordination and avoidance-of-duplication provisions are required in regard to personnel administration and technical assistance. The same principle is given general application in sec. 503(d)(4), with particular regard to title I (Community Service and Continuing Education) of the Higher Education Act of 1965.

Various merit programs now administered by other departments are transferred to the Civil Service Commission. Typically, these programs relate to Federal requirements for personnel administration on a merit basis in connection with certain Federal grant-in-aid programs. The bill provides for continuance of merit system standards issued under the present laws until these standards are modified or superseded by the Commission. The transfer of Federal staff relating to State and local personnel administration in grant programs will provide a nucleus for expanded technical assistance.

At the same time the committee was also concerned that the independence of State and local governments be preserved. Accordingly, the Commission is directed to recognize fully the rights, powers, and responsibilities of State and local governments and to encourage innovation and allow for diversity. Similar injunctions are set out in particular situations as, for example, in regard to merit systems developed to support Federal grant-in-aid programs. Particular limitations on Commission authority in dealing with State and local governments are set out in section 208(f). The same concern is expressed in the provisions controlling grants to other organizations. The Commission is required to find that State or local governments have requested the program and to determine that the capability to provide the training does not exist, or is not readily available, or if it exists that the government or association is not disposed to provide it.

SECTION-BY-SECTION ANALYSIS

The title sets forth the basic purpose of the bill as a whole and provides that it may be cited as the Intergovernmental Personnel Act of 1970.

Section 2.—This section sets forth the finding and declaration of Congress that since the effectiveness of State, local, and Federal Governments are interdependent, it is in the national interest that the quality of public service at all levels of government be improved. This can be achieved through the development of systems of personnel administration consistent with such merit principles as insuring openness and equity in recruitment, appointment, advancement, retention, and separation; providing equitable and adequate pay scales and benefits; upgrading of skills through training; and insulating employees from partisan political pressures. To this end, Federal financial and technical assistance is in the national interest.

Section 3.—This section provides that the act shall be administered in such a manner that the rights, powers, and responsibilities of State and local governments are fully recognized, and to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

Section 101.—This section sets forth the purpose of the title, which is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this act.

ADVISORY COUNCIL

Section 102.—This section provides for the appointment by the President of an advisory council on intergovernmental personnel policy within 180 days after enactment. This shall be done without adherence to provisions regarding appointments in the competitive service. The President may terminate the council at any time after the expiration of 3 years following its establishment.

Subsection (b) provides that the council, not exceeding 15 members, shall be composed primarily of officials from all levels of government but shall also include members selected from employee organizations, educational institutions, and the general public. At least half its governmental members shall be officials of State and local governments.

Subsection (c) states that it shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of improving personnel administration in State and local governments, strengthening these governments in their training efforts, and in their development of personnel administration systems, and facilitating assignments of personnel between the Federal Government and State and local governments.

Subsection (d) provides that members of this council who are not full-time employees of the Federal Government may be compensated at rates not in excess of the daily rates for GS-18 employees, including travel time and per diem.

REPORTS ON THE ADVISORY COUNCIL

Section 103.—This section provides that the council shall report its findings and recommendations to Congress and the President from time to time.

Subsection (b) states that the initial report is to be made not later than 18 months after the council's establishment, and shall include its views and recommendations on: the feasibility and desirability of extending merit requirements to additional grant-in-aid programs; appropriate standards for merit personnel administration; and the possible use of financial and other incentives to encourage the development of such comprehensive systems of personnel administration based on merit.

Subsection (c) provides that the President shall propose legislation to Congress which he judges desirable to implement the recommendations of the council.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

Section 201.—This section states the purpose of the title which is to assist State and local governments in strengthening their staffs by improving personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

Section 202.—This section provides that the Civil Service Commission (hereinafter referred to as the Commission) is authorized to make grants to States for up to 75 percent, to be reduced to 50 percent after 3 years, of the costs of developing and implementing programs or projects to strengthen personnel administration when the Commission finds upon certification of the Governor of that State that the programs or projects contained within the State's application are consistent with the merit principles set forth in section 2 of the act: Inasmuch as these grants are designed to strengthen personnel administration on the part of State and local governments, the authority provided by this section is to be employed in such manner as to encourage innovation and allow for diversity in the design, execution, and management of such programs by the governments concerned.

Subsection (b) states that, to be approved, an application by a State for a personnel administration grant must provide for designation, by the Governor, of the State office that will have responsibility for the program or project; establishment, where appropriate, or improvement of personnel systems based on principles of merit; specific personnel administration improvement needs of the State; assurance that such a grant will not effect a reduction in pertinent State or local spending; and clear and practical actions for improving such aspects of personnel administration as—

The establishment of statewide personnel systems to meet the needs of jurisdictions not able to provide such systems for themselves;

The effecting of State grants to local governments for improved personnel systems;

The conduct of manpower requirement studies, and remedial action where appropriate;

The strengthening of one or more of the major areas of personnel administration;

The conduct of research and demonstration projects by the State and by appropriate nonprofit institutions;

The strengthening of programs for the disadvantaged and underutilized;

Training programs to upgrade nonprofessional employees: Existing Federal programs aimed at this objective are described in the *National Assessment of the New Careers Program* (April 6, 1970, U.S. Department of Labor). These programs include the redesign of professional jobs to separate out those tasks not requiring professional training and experience, thereby creating new paraprofessional positions and career ladders. Programs to develop true career opportunity incentive systems for all public service employees, particularly opportunities for the disadvantaged, are also described;

The achieving of the most effective use of scarce professional, administrative and technical personnel. It is particularly a matter of concern that occupational analyses be made of professional employment so as to separate out those tasks not requiring professional training and experience, thereby creating non-professional positions;

The augmentation of intergovernmental cooperation in all area of personnel administration wherever feasible.

Section 203.—This section authorizes the Commission to make grants to general local governments, or combinations thereof, that serve a population of 50,000 or more. Funding can be 75 percent, to be reduced to 50 percent after 3 years, of the cost of development and implementation of programs or projects upon certification of the mayor or chief executive officer of the general local government that the programs or projects are consistent with the principles set forth in section 2 of this act. Such a grant may not be made if the State has an approved plan covering the local government worked out with the agreement of the local government, unless the local government has problems not met by the plan and for which the State is agreed that a separate application not be submitted. At the request of the Governor or chief executive authority, indicating that he is developing such a plan, such a grant may not be made for 90 days after 180 days from date of enactment or from date of promulgation of regulations whichever is later.

Such a grant will also not be made if the State has a statewide plan developed by a State agency established pursuant to State law which provides adequate organization and staff and adequate procedures insuring involvement of officials of the affected local governments, unless the local government has a special problem not met by the statewide plan. At the request of the Governor or chief executive authority, indicating that he is developing such a statewide plan, such a grant may not be made during a period for 180 days after 180 days from date of enactment or from date of promulgation of regulations whichever is later.

The Commission may also make grants to local governments, or combinations of governments, which serve a population of less than 50,000, if it finds that this will help them meet essential needs in

programs or projects of national interest and will assist such governments in alleviating personnel problems relating to these programs.

The application must be submitted to the Governor for review, comments, and recommendations. Such comments and recommendations shall accompany the application to the Commission together with a statement by the local government that it has considered them. If the Governor makes no comments or recommendations, after 60 days the local government may file the application directly with the Commission.

The Commission shall send an explanation in writing to the Governor whenever it does not concur with his recommendations.

INTERGOVERNMENTAL COOPERATION IN RECRUITING AND EXAMINING

Section 204.—This section authorizes the Commission to join State and local governments in cooperative recruiting and examining programs on a shared-cost basis, under procedures and regulations to be jointly agreed upon.

Subsection (b) authorizes the Commission to certify to such governments from Federal registers the names of potential employees. Procedures are to be jointly agreed upon, and there must be a written request for such services from the State or local government. The Commission will determine the costs of the operation and reimbursements shall be credited to the appropriation or fund from which the expenses were or are to be paid.

TECHNICAL ASSISTANCE

Section 205.—The Commission is authorized by this section to furnish, on request, technical advice and assistance to State and local governments seeking to improve their systems of personnel administration. The Commission may waive from such governments payments, in whole or in part, for the costs involved in furnishing this assistance.

COORDINATION OF FEDERAL PROGRAMS

Section 206.—This section authorizes the Commission (after consultation with other concerned agencies) to (1) coordinate the personnel administration support and assistance rendered to State and local governments within the terms of this act, and any such support given under other Federal programs; and (2) make the arrangements necessary to avoid duplication and to insure consistent administration of related Federal activities, including the collection, maintenance, and dissemination of data on grants for personnel systems' support and technical assistance.

INTERSTATE COMPACTS

Section 207.—This section gives the consent of Congress for any two or more States to enter into compacts or agreements for cooperative efforts and mutual assistance (including establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of the States concerned and for employees of their local government jurisdictions. Such compacts and agreements must not be in conflict with any Federal laws.

Section 208.—Subsection (a) of this section transfers to the Commission all functions, powers, and duties of any Federal department agency, office, or official (other than the President) that relate to the prescription of personnel standards on a merit basis under any provision of law or regulation that specifically requires the establishment and maintenance of personnel standards on a merit basis for programs financed in whole or in part by Federal grant-in-aid funds.

Subsection (b) of this section directs the Commission to aid State and local governments to comply with the personnel standards prescribed by the Commission under the authorities transferred to it by subsection (a) of this section. Subsection (b) directs the Commission to advise Federal agencies administering grant programs as to the application of such standards and to recommend actions which will most effectively achieve the purposes of this title.

Subsection (c) of this section provides for the transfer from applicable Federal agencies to the Commission, to the extent determined by the Director of the Bureau of the Budget, of the personnel, property, records, unexpended appropriations, allocations, and other funds which are concerned with the functions, powers, and duties transferred to the Commission by section 208(a). It is understood that any personnel engaged in functions transferred will be transferred in accordance with applicable laws and regulations relating to transfer of functions.

Subsections (d) and (e) of this section provide that personnel standards issued by Federal agencies under current laws will remain in effect until modified or superseded by standards issued under this act; and that standards issued pursuant to this act by the Commission must encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own individual systems of personnel administration.

Subsection (f) states that neither section 202 nor 203 (1) authorize Federal control over any personnel action concerning an individual State or local employee; (2) authorize the application of merit personnel standards to teaching personnel; (3) prevent employees' or their organization's participation in the development of policies and procedures affecting their employment; (4) require or request disclosure of an employee's race, religion or national origin, or that of his forebears; (5) require or request an applicant or an employee to submit to examination on his personal relationship with persons connected by blood or marriage, or concerning his attitude with respect to sexual matters; or (6) require his participation in any activities not related to the performance of official duties.

Subsection (g) provides that section 208 will become effective 60 days after the date of enactment of this act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

Section 301.—This section sets forth the basic purpose of this title, which is to strengthen State and local government programs for the training and development of their employees and officials, particularly those in professional, administrative, and technical occupations.

ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

Section 302.—Subsection (a) of this section authorizes admittance of State and local government employees and officials to training programs established by a Federal agency to train Federal professional, administrative, or technical personnel. The subsection provides that the admittance of State and local employees and officials is subject to such conditions as the head of the Federal agency establishing the training program may prescribe.

Subsection (b) of this section states Federal agencies admitting State and local government employees and officials to their training programs may waive payments for the training from, or on behalf of, State and local governments for the costs of training provided under this section. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

Subsection (c) of this section authorizes the Commission to use appropriations authorized by this act to meet the initial additional developmental or overhead costs incurred because of the admittance of State or local employees to Federal training courses, and to reimburse other Federal agencies for these costs.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

Section 303.—This section authorizes the Commission, if training is not adequately provided for under grant-in-aid or other statutes, to make grants to States and, under certain circumstances, to general local governments to meet up to 75 percent, to be reduced to 50 percent after 3 years, of the cost of developing and carrying out programs certified by the Governor or the mayor or chief executive officer of the general local government as consistent with the applicable principles of merit outlined in section 2, for training their professional, administrative, and technical employees and officials and approved by the Commission. Such grants may not be used to cover the costs of full-time graduate-level study, which is covered in section 305 of this act, or of the construction or acquisition of training facilities.

The State and local government's share of the costs may include the reasonable value of the facilities and personal services they provide. The State and local government's share of costs may not, however, consist solely of providing such facilities and services.

An application for a grant shall be made at such time or times, and contain such information as the Commission may prescribe. Subsection (b) sets forth the minimum requirements a State or general local government application for a training program grant must meet in order to be approved by the Commission. The Commission is authorized to waive any of the requirements in a specific justified case. In general, these requirements emphasize the importance of careful planning, a comprehensive approach, strong leadership by the chief executive, interprogram and interjurisdictional coordination, and similar matters. In addition, a State or local government is required to provide assurance that the grant will not result in the reduction of relevant expenditures or the substitution of Federal funds for funds previously made available for these purposes by the State or local government.

The Commission is authorized by subsection (c) to make grants to a general local government serving a population of 50,000 or more, or a combination of such local governments. Funding can be 75 percent, to be reduced to 50 percent after 3 years, of the cost of implementation of programs or projects which the Commission finds, upon certification of the mayor or chief executive officer of the general local government that the programs or projects are consistent with the principles set forth in section 2 of the act. Such a grant may not be made if the State has an approved plan covering the local government worked out with the agreement of the local government, unless the local government has problems not met by the plan and for which the State is agreed that a separate application not be submitted. At the request of the Governor or chief executive authority, indicating that he is developing such a plan, such a grant may not be made for 90 days after 180 days from date of enactment or from date of promulgation of regulations whichever is later.

Such a grant will also not be made if the State has a statewide plan developed by a State agency established pursuant to State law which provides adequate organization and staff and adequate procedures insuring involvement of officials of the affected local governments, unless the local government has a special problem not met by the statewide plan. At the request of the Governor indicating that he is developing such a statewide plan, such a grant may not be made during a period for 180 days after 180 days from date of enactment or from date of promulgation of regulations whichever is later.

The application submitted by the local government must meet requirements similar to those established for State applications unless any requirement is waived by the Commission.

The Commission may also waive the 50,000 population requirement and make grants to smaller general local governments, or combinations of such governments if it finds such grants will meet other essential needs in programs of national interest.

The application must be submitted to the Governor for review, comments, and recommendations. Such comments and recommendations shall accompany the application to the Commission together with a statement by the local government that it has considered them. If the Governor makes no comments or recommendations, after 60 days the local government may file the application directly with the Commission.

The Commission shall send an explanation in writing to the Governor whenever it does not concur with his recommendations.

GRANTS TO OTHER ORGANIZATIONS

Section 304.—This section authorizes the Commission to make grants to an organization representing member State or local governments, or an association of State or local officials, as well as nonprofit organizations that meet certain requirements specified in this section. These grants may pay up to 75 percent of the costs, to be reduced to 50 percent in 3 years, of providing training to State and local government professional, administrative, or technical employees and officials. To make such grants, the Commission must first find that State or local governments have requested the proposed program. The Commission must also determine that capability to provide such training does not

exist, or is not readily available within the Federal, State or local governments requesting such program or when associations of State or local governments, or if such capability does exist that such government or association is not disposed to provide such training. The Commission must also approve the training program as meeting requirements prescribed by its regulations.

GOVERNMENT SERVICE FELLOWSHIPS

Section 305.—This section authorizes the Commission to make grants to States and general local governments to support programs, approved by the Commission, to provide fellowships for graduate-level study to professional, administrative, and technical employees such State and local governments have selected for this training. The grants may cover the necessary costs of travel and transportation, books, and such related expenses as the Commission may authorize; reimbursement to the State or local government not to exceed one-fourth of the salary of the employee selected for the period of the graduate study, and payment to the educational institutions involved of such amounts as the Commission determines to be consistent with other prevailing practices under comparable federally funded programs, less any amount charged by the institution for tuition and nonrefundable fees and deposits.

A fellowship awarded by a State or general local government to a professional, administrative, or technical employee will be for a period not exceeding 2 years of full-time graduate-level study.

This section provides that the State or general local government will, subject to eligibility criteria prescribed by the Commission, select the individual employee to be awarded a fellowship. The State or general local government must, during the period of the fellowship, continue the full salary and normal employment benefits (such as credit for seniority, leave accrual, retirement, and insurance) to which the recipient of the fellowship is entitled, and outline in the application the plans made for the employer's continued utilization in the public service.

COORDINATION OF FEDERAL PROGRAMS

Section 306. This section directs the Commission, after consultation with other concerned Federal agencies, to prescribe regulations covering the training provided for in title III of the act. The regulations are to include requirements for coordination of, and reasonable consistency in, the training programs established by the Commission and by other Federal agencies under title III.

In addition, the section directs the Commission, again after consultation with other Federal agencies concerned, to coordinate the training support given State and local governments under this act with that provided under other Federal programs. The Commission is to make such arrangements as needed to avoid duplication among Federal programs providing for training of State and local government employees and to insure consistent administration of related Federal training activities with particular regard to title IX of the Higher Education Act of 1965. The Commission is authorized to collect and maintain appropriate data on Federal agency training grants and programs.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

Section 401.—This section sets forth the purpose of title IV, namely to facilitate intergovernmental cooperation by authorizing temporary assignments of personnel between the Federal Government and State and local governments.

Section 402.—This section adds a new subchapter VI at the end of chapter 33 of title 5 of the United States Code embodying the mobility provisions.

DEFINITIONS

Section 3371 of the new subchapter defines "State" and "local government" for the purpose of this title. These definitions are intended to be broad enough to include any agency of a State or local government at any level; their instrumentalities, including multi-State authorities and intra-State authorities; Federal-State authorities; and the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

There is no special definition of a Federal agency or a Federal employee in this section. For the purposes of this title a Federal agency would be any executive agency as defined under section 105 of title 5 of the United States Code. The definition of Federal employee would be that which appears in section 2105 of title 5. Uniformed personnel, including those in the Coast Guard, the Public Health Service, and the Coast and Geodetic Survey do not come under its coverage.

GENERAL PROVISIONS

Section 3372.—This section provides the broad framework for establishing mobility programs. It authorizes assignments of employees, with their consent, from one governmental jurisdiction to another for periods up to 2 years. Assignments could be extended by the Federal agency head concerned for not to exceed 2 years. The assignment would have to be for work which the Federal agency head determined would be of mutual benefit to his agency and the State or local jurisdiction concerned. Subchapter (b) authorizes the assignment of an employee of an executive agency to an institution of higher learning, and vice versa. Private as well as public institutions of higher learning would come under the purview of this provision.

ASSIGNMENT OF FEDERAL EMPLOYEES TO STATE OR LOCAL GOVERNMENTS

Section 3373.—This section deals with the assignment of Federal employees to State and local jurisdictions. Under subsection (a) employees could be assigned either on a detail or leave without pay basis, whichever seems most desirable to the agencies involved. Employees serving on a detail basis would be treated as Federal employees for all purposes except that their supervision would be governed by agreement between the participating agencies. The Federal Tort Claims Act and any other Federal tort liability statute would continue to apply to Federal employees whether on detail or on leave without pay.

Subsection (b) provides that assignments either on a detail or leave without pay basis may be made with or without reimbursement by the State or local government for salary, supplemental salary, and travel and transportation expenses of Federal personnel. Authority would be available for Federal agencies to receive reimbursement from the State or local agency for all or part of the expenses of Federal employees.

Subsection (c) sets the ground rules for assignments of Federal employees to State and local governments on leave without pay. Such personnel would be given State or local government appointments, and their salary would come from State or local funds. However, Federal appropriations would be authorized for certain expenses. If the rate of pay for a State position is less than the rate of pay the Federal employee would have received had he remained at his Federal post, the Federal agency would pay a salary supplement equal to the difference. The supplement would be payable as earned, and would not be conditional on such factors as completion of the full period of assignment.

Employees serving on leave without pay would earn leave at the same rate as they would have earned it had they remained in their regular jobs. Employees would not be authorized to earn leave at a higher rate even if the position they occupied in the State government normally called for a higher earning rate. The determination whether the Federal Government or the State or local government paid for the leave would be arrived at by agreement between the participating agencies.

Federal employees on leave without pay would be entitled to continuation of their retirement, life insurance, and health benefits coverage under the civil service or other applicable systems as long as they currently paid the employee contribution into the appropriate fund or system. The employer contribution would be paid by the Federal agency originating the assignment for all three types of coverage. These personnel would continue to be covered under 5 U.S.C. 8501-8508 relating to unemployment compensation benefits.

Service performed on such assignments on leave without pay would be creditable for Federal salary, retention, retirement, and leave accrual purposes. Such service would also be creditable for early retirement purposes for law enforcement personnel under 5 U.S.C. 8336(c).

There is one circumstance, however, under which Federal health, life insurance, and retirement benefits would not be authorized. That would be when employees or their beneficiaries elected to receive benefits under State or local systems instead. The policy throughout this title is to bar the receipt of dual benefits by Federal employees for any purpose.

Subsection (d)(1) provides that if an employee on leave without pay is injured or killed in the performance of official duty, he or his beneficiary shall be treated for the purpose of injury compensation benefits as if he had been injured or killed while on active duty in his agency. Here, too, the employee or his beneficiary would have a choice between Federal and State benefits. And if the non-Federal benefit is selected, the employee or his beneficiary would not be entitled to a parallel Federal benefit.

Under subsection (d)(2) an employee who elects to receive State workmen's compensation benefits would not be entitled to Federal disability retirement for the same period.

ASSIGNMENT OF STATE OR LOCAL GOVERNMENT EMPLOYEES

Section 3374.—This section sets forth the conditions for assignment of State and local employees to the Federal Government.

Subsection (a) provides two methods for assigning State and local employees to Federal agencies which are comparable to the two methods authorized for Federal employee assignments to State and local governments. State or local employees could serve either on a detail basis or under a temporary Federal appointment without regard to the provisions governing appointment in the competitive civil service. An employee who is detailed to the Federal Government would remain a State government employee for most purposes. A State employee given a Federal appointment would be treated in the same way as any other temporary Federal employee for most purposes. He would not be entitled to tenure, and his appointment could be terminated at any time by the Federal agency employing him.

Subsection (b) provides that a State employee given a Federal appointment would not come under the coverage of the Civil Service Retirement Act or other applicable retirement systems or the Federal Employee Group Life Insurance Act. He would not be covered under the Federal Employees Health Benefits Act or similar authority unless his Federal appointment resulted in the loss of coverage under a State or local health benefits system.

Subsection (c) is concerned with the status of State and local personnel detailed to a Federal agency. Such personnel would not be entitled to Federal pay, but would be considered Federal employees for the purpose of certain Federal employee laws including those relating to conflict of interest, political activity, failure to account for public money, disclosure of confidential information, lobbying with appropriated funds, and tort claims. In addition, they would be subject to such regulations as the President may prescribe. The supervision of the duties of a State or local detailee would be governed by agreement between the participating agencies. A Federal agency could reimburse a State or local agency for all or part of the salary of a State or local detailee.

Subsection (d) provides that a State or local government employee serving on detail or under Federal appointment who is disabled or dies as a result of personal injury sustained while in the performance of official duty is to be treated as a Federal employee for on-the-job injury compensation benefits. However, as in the case of the Federal employee who is injured serving on a State or local government assignment, the State or local employee or his beneficiary would not be entitled to receive both Federal and State benefits for the same injury.

Section (e) provides that if a State or local government fails to continue the employer's contribution to the State or local government retirement, life insurance, and health benefit plans for a State or local government employee under Federal appointment, the employer's contribution or a part thereof, may be paid by the Federal agency concerned. In these situations, the Federal agency would transmit deposits directly to the State or local government system.

TRAVEL EXPENSES

Section 3375.—This section authorizes the payment of travel, including a per diem allowance for State and local government employees assigned to Federal agencies and Federal employees assigned to State and local governments. This section is intended to be broad enough to provide for the needs of Federal, State, and local employees en route to, from, and during their assignments in either the Federal Government or State and local governments.

The authorizations provided would be available for Federal agency use on a discretionary basis under regulations prescribed by the President.

Subsection (a)(1) provides authority for a Federal agency to pay the costs of travel, including mileage and allowances, and per diem in lieu of subsistence in accordance with subchapter I of chapter 57, title 5, United States Code, of Federal, State, and local employees en route to, from, and during assignment.

Subsection (a)(2) provides authority to pay the travel and transportation expenses of the immediate families of employees assigned to another governmental jurisdiction and return. This includes transportation of household goods and personal effects, packing, crating, temporarily storing and unpacking, etc.

Subsection (a)(3) provides authority to pay a per diem allowance for the immediate family of the employee while en route to and from the assignment location in accordance with section 5724a(a)(1) of title 5 of the United States Code.

Subsection (a)(4) would authorize payment of subsistence expenses for the employee and his immediate family for a period up to 30 days while occupying temporary quarters at the assignment location with section 5724a(a)(3) of title 5.

Subsection (a)(5) provides for the payment of expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location in accordance with section 5726(c) of title 5.

Subsection (b) provides that the expenses specified in subsection (a) may not be allowed unless the employee signs a written agreement to complete the entire period of his assignment or 1 year, whichever is shorter, unless separated for reasons beyond his control. If the agreement is violated, the expenses would be recoverable by the United States. However, an agency head could waive the right of recovery with respect to State or local government employees assigned to his agency.

Subsection (c) authorizes the use of appropriations to transport the remains and personal effects of employees and their dependents who die while on assignment.

REGULATIONS

Section 3376.—This section sets forth section headings for each of the major provisions of this title, and states that the President may prescribe regulations for the administration of this subchapter.

REPEAL OF SPECIAL AUTHORITIES

Section 403.—This section repeals other employee mobility authorities with the exception of section 314(f) of the Public Health Service Act relating to commissioned officers of the Public Health Service.

EFFECTIVE DATE

Section 404.—This section sets the effective date of this title at 60 days after enactment.

TITLE V—GENERAL PROVISIONS

DECLARATION OF PURPOSE

Section 501.—This section sets forth the purpose of this title, which is to provide for the general administration of titles I, II, III, and V of the act, and to provide for the establishment of certain advisory committees.

DEFINITIONS

Section 502.—This section defines, for the purposes of the act, the terms, “Commission”, “Federal agency”, “State”, “local government”, and “general local government”.

GENERAL ADMINISTRATIVE PROVISIONS

Section 503.—This section provides that, unless otherwise specifically provided, the Commission shall administer the act, and shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of the act.

In the performance of, and with respect to, the functions, powers, and duties vested in it by the act, the Commission is authorized by subsection (c) to issue standards and regulations necessary to carry out the purposes of the act; to consent to the modification of any contract entered into under the act; to include in any such contracts those covenants, conditions, or provisions the Commission deems necessary to assure that the purposes of the act will be achieved; and to enter into agreements with any Federal agency, State or local government, or other public or nonprofit agency or institution, for the use (on a reimbursable, nonreimbursable, or other basis) of their services and facilities.

Subsection (d) authorizes the Commission to collect information from time to time with respect to State and local government training and personnel administration programs under the act; to make such information available to interested public or private groups, organizations, or agencies; and to conduct research and make evaluations as needed for the efficient administration of the act. Subsection (d) requires the Commission to include a report on the administration of the act in its annual report. In addition, it requires the Commission to avoid duplication of programs and to ensure consistent administration of related Federal training activities, with particular regard to Title I of the Higher Education Act of 1965.

Section 503 further provides that the act’s provisions are not a limitation on existing authorities under other statutes. Unless specifically provided otherwise, the act’s provisions are in addition to such authorities.

REPORTING REQUIREMENTS

Section 504.—This section provides that reports and evaluations shall be made by those State or local government offices designated to administer an approved program under the act. Such reports and

evaluations will be made in such form, at such times, and containing such information concerning the status and use of Federal funds and the operation of the program as may be required by the Commission. In addition, the section requires that such designated State and local government offices keep and make available such records as the Commission may require for the verification of the reports. Similar requirements apply to organizations receiving training grants.

REVIEW AND AUDIT

Section 505.—This section requires grant recipients, for the purpose of audit and examination by the Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, to permit access to any books, documents, papers, and records that are pertinent to the grants received.

DISTRIBUTION OF GRANTS

Section 506.—Subsection (a) provides that the Commission shall allocate 20 percent of the amount available for grants under this act in the most equitable fashion among State and between State and local governments taking into account the population of the recipient jurisdiction, the number of employees affected, the urgency of the program, the need for funds, and the potential of the particular jurisdiction to use the funds most effectively.

Subsection (b) states that 80 percent of the total funds available for grants in each fiscal year shall be apportioned as a weighted formula among the States, taking into consideration such factors as size of population and the number of State and local employees affected. The minimum allocation for local governments shall be 50 percent of the amount allocated to the State. Any unused allocations of such funds may be reallocated by the Commission. Total payments to any one State in any one fiscal year may not exceed $12\frac{1}{2}$ percent of the total appropriation for that year.

TERMINATION OF GRANTS

Section 507.—This section authorizes the Commission to terminate payments made by the Commission under the act to a State or local government whenever it finds, after giving the government concerned reasonable notice and opportunity for a hearing, that a program approved under the act has been so changed that it no longer complies with the provisions of the act or that in the operation of the program there is a failure to comply substantially with the provisions of the act.

The government concerned shall be notified by the Commission of its finding before payments are terminated. The Commission may, however, authorize the continuance of payments to those projects which are not involved in the noncompliance. The Commission is also authorized to resume payments when it is satisfied that such noncompliance has been, or will promptly be, corrected.

ADVISORY COMMITTEES

Section 508.—This section authorizes the Commission to appoint, without regard to the provisions governing appointments in the competitive service, advisory committees to facilitate the administration of this act.

Subsection (b) provides that members of such committees who are not full-time employees of the United States may be compensated at rates not to exceed the daily rate for GS-18 employees, including travel and per diem, while serving on the business of the committees.

APPROPRIATION AUTHORIZATION

Section 509.—This section authorizes such sums to be appropriated as are necessary to carry out the programs authorized by this act without fiscal year limitation.

REVOLVING FUND

Section 510.—This section amends Sec. 1304(e) of Title 5, United States Code (relating to the revolving fund of the Civil Service Commission) by removing the limit of \$4 million on appropriations.

LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST SHARING

Section 511.—This section provides that State or local governments, in meeting their share of the costs under this act's grant provisions, may not use Federal funds made available to them under other programs, or funds they have used to meet their share of the costs on other federally assisted programs, except that Federal funds of a program wholly financed by Federal funds may be used to pay a pro rata share of such cost sharing.

METHOD OF PAYMENT

Section 512.—This section authorizes the Commission to pay or accept payments under this act in installments and in advance or by reimbursement. The Commission is authorized to determine the specific method of payment to be employed in a particular case.

EFFECTIVE DATE OF GRANT PROVISIONS

Section 513.—This section provides that the effective date of the grant provisions of this act shall be 180 days after its enactment.

See — *reimbursement*

See 514 *Conflict of Interest*
Exemption

CHANGES IN EXISTING LAW MADE BY THE BILL, AS
REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

* * * * *
§ 1304. Loyalty investigations; reports; revolving fund.

(a) * * *

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(e)(1) A revolving fund [of \$4,000,000] is available, to the Commission without fiscal year limitation, for financing investigations, training, and such other functions as the Commission is authorized or required to perform on a reimbursable basis. However, the functions which may be financed in any fiscal year by the fund are restricted to those functions which are covered by the budget estimates submitted to the Congress for that fiscal year. To the maximum extent feasible, each individual activity shall be conducted generally on an actual cost basis over a reasonable period of time.

(2) The capital of the fund consists of the aggregate of—

(A) appropriations made to provide capital for the fund, *which appropriations are hereby authorized*; and

(B) the sum of the fair and reasonable value of such supplies, equipment, and other assets as the Commission from time to time transfers to the fund (including the amount of the unexpended balances of appropriations or funds relating to activities the financing of which is transferred to the fund) less the amount of related liabilities, the amount of unpaid obligations, and the value of accrued annual leave of employees, which are attributable to the activities the financing of which is transferred to the fund.

(3) The fund shall be credited with—

(A) advances and reimbursements from available funds of the Commission or other agencies, or from other sources, for those services and supplies provided at rates estimated by the Commission as adequate to recover expenses of operation (including provision for accrued annual leave of employees and depreciation of equipment); and

(B) receipts from sales or exchanges of property, and payments for loss of or damage to property, accounted for under the fund.

(4) Any unobligated and unexpended balances in the fund which the Commission determines to be in excess of amounts needed for activities financed by the fund shall be deposited in the Treasury of the United States as miscellaneous receipts.

(5) The Commission shall prepare a business-type budget providing full disclosure of the results of operations for each of the functions performed by the Commission and financed by the fund, and such budget shall be transmitted to the Congress and considered, in the manner prescribed by law for wholly owned Government corporations.

(6) The Comptroller General of the United States shall, as a result of his periodic reviews of the activities financed by the fund, report and make such recommendations as he deems appropriate to the Committees on Post Office and Civil Service of the Senate and House of Representatives at least once every three years.

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Chapter 33.—EXAMINATION, SELECTION, AND PLACEMENT

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SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

Sec.

3371. *Definitions.*

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3373. *Assignments of employees to State or local governments.*

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3376. *Regulations.*

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SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

§ 3371. *Definitions*

For the purpose of this subchapter—

(1) “State” means—

(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

(2) “local government” means—

(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

§ 3372. *General provisions*

(a) On request from or with the concurrence of a State or local government, and with the consent of the employee concerned, the head of an executive agency may arrange for the assignment of—

(1) an employee of his agency to a State or local government; and
 (2) an employee of a State or local government to his agency;
 for work of mutual concern to his agency and the State or local government that he determines will be beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of an executive agency may extend the period of assignment for not more than two additional years.

- (b) This subchapter is authority for and applies to the assignment of—
 (1) an employee of an executive agency to an institution of higher education; and
 (2) an employee of an institution of higher education to an executive agency.

§ 3373. Assignment of employees to State and local governments

(a) An employee of an executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

- (1) on detail to a regular work assignment in his agency; or
 (2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the executive agency and the State or local government concerned.

(b) The assignment of an employee of an executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay, or supplemental pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the executive agency used for paying the travel and transportation expenses or pay.

(c) For any employee so assigned and on leave without pay—

(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had he continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

(3) he is entitled, notwithstanding other statutes—

(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employee's Life Insurance Fund and the Employee's Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions;

(B) to credit the period of his assignment under this subchapter toward periodic step-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement

system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat his service during that period as service of the type performed in the agency immediately before his assignment; and

(C) for the purpose of subchapter I of chapter 85 of this title, to credit the service performed during the period of his assignment under this subchapter as Federal service, and to consider his State or local government pay (and his supplemental pay, if any) as Federal wages. To the extent that the service could also be the basis for entitlement to unemployment compensation under a State law, the employee may elect to claim unemployment compensation on the basis of the service under either the State law or subchapter I of chapter 85 of this title.

However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar. The executive agency shall deposit currently in the Employee's Life Insurance Fund, the Employee's Health Benefits Fund or other applicable health benefits system, respectively, the amount of the Government's contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

(d)(1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter III of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

§ 3374. Assignments of employees from State or local governments

(a) An employee of a State or local government who is assigned to an executive agency under an arrangement under this subchapter may—

(1) be appointed in the executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the assignment; or

(2) be deemed on detail to the executive agency.

(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed an employee of the executive agency for all purposes except—

(1) subchapter III of chapter 83 of this title or other applicable retirement system;

(2) chapter 87 of his title; and

(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

(c) During the period of assignment, a State or local government employee on detail to an executive agency—

(1) is not entitled to pay from the agency;

(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, section 638a of title 31, and the Federal Tort Claims Act and any other Federal tort liability statute; and

(3) is subject to such regulations as the President may prescribe.

The supervision of the duties of such an employee may be governed by agreement between the executive agency and the State or local government concerned. A detail of a State or local government employee to an executive agency may be made with or without reimbursement by the executive agency for the pay, or a part thereof, of the employee during the period of assignment.

(d) A State or local government employee who is given an appointment in an executive agency for the period of the assignment or who is on detail to an executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

(e) If a State or local government fails to continue the employer's contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an executive agency, the employer's contributions covering the State or local government employee's period of assignment, or any part thereof, may be made from the appropriations of the executive agency concerned.

§ 3375. Travel expenses.

(a) Appropriations of an executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with—

(1) subchapter I of chapter 57 of this title, for the expenses of—

(A) travel, including a per diem allowance, to and from the assignment location;

(B) a per diem allowance at the assignment location during the period of the assignment; and

(C) travel, including a per diem allowance, while traveling on official business away from his designated post of duty during the assignment when the head of the executive agency considers the travel in the interest of the United States;

(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

(3) section 5724a(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

(4) section 5724a(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty; and

(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1)(C), may not be allowed in connection with the assignment of a Federal or State or local government employee under this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as a debt due the United States. The head of the executive agency concerned may waive in whole or in part a right of recovery under this subsection with respect to a State or local government employee on assignment with the agency.

(c) Appropriations of an executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local government employee assigned under this subchapter.

§ 3376. Regulations.

The President may prescribe regulations for the administration of this subchapter.

ACT OF AUGUST 2, 1956

[AN ACT

[To provide for further effectuating the Act of May 15, 1862, through the exchange of employees of the United States Department of Agriculture and employees of State political subdivisions or educational institutions.

[Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that the objectives of this Act are to aid in the dissemination of useful information on subjects connected with agriculture and to provide a means whereby the Government of the United States and the several States may better cooperate in problems arising as a result of the interrelationships of their work in the field of agriculture.

[SEC. 2. For the purposes of this Act, the term "Department" shall be deemed to mean United States Department of Agriculture; "Secretary" shall mean Secretary of the United States Department of Agriculture; and "State" shall mean a State, county, city, municipality, land-grant college, or a college or university operated by any State or local government.

[SEC. 3. In carrying out this Act, the Secretary is authorized through cooperative agreements or otherwise to provide for the interchange of employees of the Department and employees of States. The period of assignment under such an interchange arrangement shall not exceed two years.

[SEC. 4. Employees of the Department participating in an exchange of personnel as authorized in section 3 may be considered during such participation to be (1) on detail to a regular work assignment of the Department, or (2) in a status of leave-of-absence from their positions in the Department. Employees who are considered to be detailed shall be entitled to the same salary and benefits to which they would otherwise be entitled and shall remain employees of the Department for all other purposes except that the supervision of their duties during the period of detail may be governed by agreement between the Department and the State involved. Employees who are in a leave-of-absence status as provided herein shall be carried on leave without pay: *Provided*, That they may be granted annual leave to the extent authorized by law and may be granted authorized sick leave only in circumstances considered by the Secretary to justify approval of such leave. Except as otherwise provided in this Act, such employees shall have the same rights, benefits, and obligations as employees generally who are in such leave status but notwithstanding any other provision of law such employees shall be entitled to credit the period of such assignment (1) toward periodic and longevity step-increases, and (2) upon payment into the retirement fund of the percentage of their State salary which would have been deducted from a like Federal salary for the period of such assignment, to credit such period as service within the meaning of the Civil Service Retirement Act; and they shall also be entitled to continuation of their benefits under the Federal Employee's Group Life Insurance Act of 1954 and the Federal Employees Health Benefits Act of 1959, so long as the Department continues to collect the employee's contribution from the employee and to transmit for timely deposit into the employees' life insurance fund or the employees' health benefits fund, as the case may

be, the amount of the employee's contribution, and the Government's contribution from Department appropriations. Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in the performance of duties in connection therewith shall be treated, for the purposes of the Federal Employees' Compensation Act, as amended (5 U.S.C., sec. 790), as though he were an employee, as defined in such Act, who had sustained such injury in the performance of such duty, but shall not receive benefits under that Act for any period for which he elects to receive similar benefits from a State agency.

[SEC. 5. Appropriations of the Department shall be available, in accordance with Standardized Government Travel Regulations, as amended, for the expenses of travel of employees assigned to States on either a detail or leave basis, expenses of transportation of their immediate families and expenses of transportation of their household goods and personal effects to the location of the posts of assignment and for such expenses for the return of employees to their official stations, but shall not be available for expenses of travel of the employees during such period of assignment.

[SEC. 6. Employees of States who are assigned to the Department under authority of this Act may (1) be given appointments in the Department covering the periods of such assignments, or (2) be considered to be on detail to the Department. Appointments of persons so assigned may be made without regard to the civil-service laws or regulations. Persons given appointment in the Department shall be paid at rates of compensation in accordance with the Classification Act of 1949, as amended. State employees who are assigned to the Department without appointment shall not be considered to be employees of the Department, except as provided in section 7, nor shall they be paid a salary or wage by the Department during the period of their detail. The supervision of the duties of such employees during the assignment may be governed by agreement between the Department and the State involved.

[SEC. 7. (a) Any State employee who is assigned to the Department without appointment shall nevertheless be subject to the provisions of sections 281, 283, 284, 434, 1902, 1905, and 1914 of title 18 of the United States Code and section 99, title 5, of the United States Code.

[(b) Any State employee who is given an appointment while assigned to the Department or who is assigned to the Department without appointment and who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith shall be treated, for the purpose of the Federal Employees' Compensation Act, as amended (5 U. S. C., sec. 790), as though he were an employee, as defined in such Act, who had sustained such injury in the performance of such duty, but shall not receive benefits under that Act for any period for which he elects to receive similar benefits as a State employee.

[SEC. 8. The appropriations of the Department shall be available in accordance with the Standardized Government Travel Regulations, as amended, for the payment of expenses of travel of persons assigned to, but not given appointments by, the Department under authority

of this Act during the periods of such assignments on the same basis as if they were employees of the Department.】

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SECTION 553 OF THE ACT OF APRIL 11, 1965

【INTERCHANGE OF PERSONNEL WITH STATES

【SEC. 553. (a) For the purposes of this section, the term "State" means a State or any agency of a State engaged in activities in the field of education, including local educational agencies; and the term "Office" means the Office of Education.

【(b) The Commissioner is authorized, through agreements or otherwise, to arrange for assignment of officers and employees of States to the Office and assignment of officers and employees in the Office to States, for work which the Commissioner determines will aid the Office in more effective discharge of its responsibilities as authorized by law, including cooperation with States and the provision of technical or other assistance. The period of assignment of any officer or employee under an arrangement shall not exceed two years.

【(c)(1) Officers and employees in the Office assigned to any State pursuant to this section shall be considered, during such assignment, to be (A) on detail to a regular work assignment in the Office, or (B) on leave without pay from their positions in the Office.

【(2) Persons considered to be so detailed shall remain as officers or employees, as the case may be, in the Office for all purposes, except that the supervision of their duties during the period of detail may be governed by agreement between the Office and the State involved.

【(3) In the case of persons so assigned and on leave without pay—

【(A) if the rate of compensation (including allowances) for their employment by the State is less than the rate of compensation (including allowances) they would be receiving had they continued in their regular assignment in the Office, they may receive supplemental salary payments from the Office in the amount considered by the Commissioner to be justified, but not at a rate in excess of the difference between the State rate and the Office rate; and

【(B) they may be granted annual leave and sick leave to the extent authorized by law, but only in circumstances considered by the Commissioner to justify approval of such leave.

Such officers and employees on leave without pay shall, notwithstanding any other provision of law, be entitled—

【(C) to continuation of their insurance under the Federal Employees' Group Life Insurance Act of 1954, and coverage under the Federal Employees Health Benefits Act of 1959, so long as the Office continues to collect the employee's contribution from the officer or employee involved and to transmit for timely deposit into the funds created under such Acts the amount of the employee's contributions and the Government's contribution from appropriations of the Office; and

【(D) to credit the period of their assignment under the arrangement under this section toward periodic or longevity step increases,

and for retention and leave accrual purposes, and, upon payment into the civil service retirement and disability fund of the percentage of their State salary, and of their supplemental salary payments, if any, which would have been deducted from a like Federal salary for the period of such assignment and payment by the Commissioner into such fund of the amount which would have been payable by him during the period of such assignment with respect to a like Federal salary, to treat (notwithstanding the provisions of the Independent Offices Appropriation Act, 1959, under the head "Civil Service Retirement and Disability Fund") their service during such period as service within the meaning of the Civil Service Retirement Act;

except that no officer or employee or his beneficiary may receive any benefits under the Civil Service Retirement Act, the Federal Employees Health Benefits Act of 1959, or the Federal Employees' Group Life Insurance Act of 1954, based on service during an assignment hereunder for which the officer or employee or (if he dies without making such election) his beneficiary elects to receive benefits, under any State retirement or insurance law or program, which the Civil Service Commission determines to be similar. The Office shall deposit currently in the funds created under the Federal Employees' Group Life Insurance Act of 1954, the Federal Employees Health Benefits Act of 1959, and the civil service retirement and disability fund, respectively, the amount of the Government's contribution under these Acts on account of service with respect to which employee contributions are collected as provided in subparagraph (C) and the amount of the Government's contribution under the Civil Service Retirement Act on account of service with respect to which payments (of the amount which would have been deducted under that Act) referred to in subparagraph (D) are made to such civil service retirement and disability fund.

[(4) Any such officer or employee on leave without pay who suffers disability or death as a result of personal injury sustained while in the performance of his duty during an assignment hereunder, shall be treated, for the purposes of the Federal Employees' Compensation Act, as though he were an employee, as defined in such Act, who had sustained such injury in the performance of duty. When such person (or his dependents, in case of death) entitled by reason of injury or death to benefits under that Act is also entitled to benefits from a State for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. Such election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law

[(d) Assignment of any officer or employee in the Office to a State under this section may be made with or without reimbursement by the State for the compensation (or supplementary compensation), travel and transportation expenses (to or from the place of assignment), and allowances, or any part thereof, of such officer or employee during the period of assignment, and any such reimbursement shall be credited to the appropriation utilized for paying such compensation, travel or transportation expenses, or allowances.

[(e) Appropriations to the Office shall be available, in accordance with the standardized Government travel regulations, for the expenses

of travel of officers and employees assigned to States under an arrangement under this section on either a detail or leave-without-pay basis and, in accordance with applicable law, orders, and regulations, for expenses of transportation of their immediate families and expenses of transportation of their household goods and personal effects, in connection with the travel of such officers and employees to the location of their posts of assignment and their return to their official stations.

[(f) Officers and employees of States who are assigned to the Office under an arrangement under this section may (1) be given appointments in the Office covering the periods of such assignments, or (2) be considered to be on detail to the Office. Appointments of persons so assigned may be made without regard to the civil service laws. Persons so appointed in the Office shall be paid at rates of compensation determined in accordance with the Classification Act of 1949, and shall not be considered to be officers or employees of the Office for the purposes of (1) the Civil Service Retirement Act, (2) the Federal Employees' Group Life Insurance Act of 1954, or (3) unless their appointments result in the loss of coverage in a group health benefits plan whose premium has been paid in whole or in part by a State contribution, the Federal Employees Health Benefits Act of 1959. State officers and employees who are assigned to the Office without appointment shall not be considered to be officers or employees of the Office, except as provided in subsection (g), nor shall they be paid a salary or wage by the Office during the period of their assignment. The supervision of the duties of such persons during the assignment may be governed by agreement between the Commissioner and the State involved.

[(g)(1) Any State officer or employee who is assigned to the Office without appointment shall nevertheless be subject to the provisions of sections 203, 205, 207, 208, and 209 of title 18 of the United States Code.

[(2) Any State officer or employee who is given an appointment while assigned to the Office, or who is assigned to the Office without appointment, under an arrangement under this section, and who suffers disability or death as a result of personal injury sustained while in the performance of his duty during such assignment shall be treated, for the purpose of the Federal Employees' Compensation Act, as though he were an employee, as defined in such Act, who had sustained such injury in the performance of duty. When such person (or his dependents, in case of death) entitled by reason of injury or death to benefits under that Act is also entitled to benefits from a State for the same injury or death, he (or his dependents, in case of death) shall elect which benefits he will receive. Such election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law.

[(h) The appropriations to the Office shall be available, in accordance with the standardized Government travel regulations, during the period of assignment and in the case of travel to and from their places of assignment or appointment, for the payment of expenses of travel of persons assigned to, or given appointments by, the Office under an arrangement under this section.

[(i) All arrangements under this section for assignment of officers or employees in the Office to States or for assignments of officers or employees of States to the Office shall be made in accordance with regulations of the Commissioner.]

PUBLIC HEALTH SERVICE ACT

* * * * *

GRANTS TO STATES FOR COMPREHENSIVE STATE HEALTH PLANNING

SEC. 314. * * *

* * * * *

[INTERCHANGE OF PERSONNEL WITH STATES ¹

[(f) (1) For the purposes of this subsection, the term "State" means a State or a political subdivision of a State, or any agency of either of the foregoing engaged in any activities related to health or designated or established pursuant to subparagraph (A) of paragraph (2) of subsection (a); the term "Secretary" means (except when used in paragraph (3)(D)) the Secretary of Health, Education, and Welfare; and the term "Department" means the Department of Health, Education, and Welfare.

[(2) The Secretary is authorized, through agreements or otherwise, to arrange for assignment of officers and employees of States to the Department and assignment to States of officers and employees in the Department engaged in work related to health, for work which the Secretary determines will aid the Department in more effective discharge of its responsibilities in the field of health as authorized by law, including cooperation with States and the provision of technical or other assistance. The period of assignment of any officer or employee under an arrangement shall not exceed two years.

[(3) (A) Officers and employees in the Department assigned to any State pursuant to this subsection shall be considered, during such assignment, to be (i) on detail to a regular work assignment in the Department, or (ii) on leave without pay from their positions in the Department.

[(B) Persons considered to be so detailed shall remain as officers or employees, as the case may be, in the Department for all purposes, except that the supervision of their duties during the period of detail may be governed by agreement between the Department and the State involved.

[(C) In the case of persons so assigned and on leave without pay—

[(i) if the rate of compensation (including allowances) for their employment by the State is less than the rate of compensation (including allowances) they would be receiving had they continued in their regular assignment in the Department, they may receive supplemental salary payments from the Department in the amount considered by the Secretary to be justified, but

¹ This subsection (f) is repealed except where it is applicable to commissioned officers of the Public Health Service.

not at a rate in excess of the difference between the State rate and the Department rate; and

[(ii) they may be granted annual leave and sick leave to the extent authorized by law, but only in circumstances considered by the Secretary to justify approval of such leave.

Such officers and employees on leave without pay shall, notwithstanding any other provision of law, be entitled—

[(iii) to continuation of their insurance under the Federal Employees' Group Life Insurance Act of 1954, and coverage under the Federal Employees Health Benefits Act of 1959, so long as the Department continues to collect the employee's contribution from the officer or employee involved and to transmit for timely deposit into the funds created under such Acts the amount of the employee's contributions and the Government's contribution from appropriations of the Department; and

[(iv)(I) in the case of commissioned officers of the Service to have their service during their assignment treated as provided in section 214(d) for such officers on leave without pay, or (II) in the case of other officers and employees in the Department, to credit the period of their assignment under the arrangement under this subsection toward periodic or longevity step increases and for retention and leave accrual purposes, and, upon payment into the civil service retirement and disability fund of the percentage of their State salary, and of their supplemental salary payments, if any, which would have been deducted from a like Federal salary for the period of such assignment and payment by the Secretary into such fund of the amount which would have been payable by him during the period of such assignment with respect to a like Federal salary, to treat (notwithstanding the provisions of the Independent Offices Appropriations Act, 1959, under the head "Civil Service Retirement and Disability Fund") their service during such period as service within the meaning of the Civil Service Retirement Act;

except that no officer or employee or his beneficiary may receive any benefits under the Civil Service Retirement Act, the Federal Employees Health Benefits Act of 1959, or the Federal Employees' Group Life Insurance Act of 1954, based on service during an assignment hereunder for which the officer or employee or (if he dies without making such election) his beneficiary elects to receive benefits, under any State retirement or insurance law or program, which the Civil Service Commission determines to be similar. The Department shall deposit currently in the funds created under the Federal Employees' Group Life Insurance Act of 1954, the Federal Employees Health Benefits Act of 1959, and the civil service retirement and disability fund, respectively, the amount of the Government's contribution under these Acts on account of service with respect to which employee contributions are collected as provided in subparagraph (iii) and the amount of the Government's contribution under the Civil Service Retirement Act on account of service with respect to which payments (of the amount which would have been deducted under that Act) referred to in subparagraph (iv) are made to such civil service retirement and disability fund.

[(D) Any such officer or employee on leave without pay (other than a commissioned officer of the Service) who suffers disability or death

as a result of personal injury sustained while in the performance of his duty during an assignment hereunder, shall be treated, for the purposes of the Federal Employees' Compensation Act, as though he were an employee, as defined in such Act, who had sustained such injury in the performance of duty. When such person (or his dependents, in case of death) entitled by reason of injury or death to benefits under that Act is also entitled to benefits from a State for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. Such election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law.

[(4) Assignment of any officer or employee in the Department to a State under this subsection may be made with or without reimbursement by the State for the compensation (or supplementary compensation), travel and transportation expenses (to or from the place of assignment), and allowances, or any part thereof, of such officer or employee during the period of assignment, and any such reimbursement shall be credited to the appropriation utilized for paying such compensation, travel or transportation expenses, or allowances.

[(5) Appropriations to the Department shall be available, in accordance with the standardized Government travel regulations or, with respect to commissioned officers of the Service, the joint travel regulations, for the expenses of travel of officers and employees assigned to States under an arrangement under this subsection on either a detail or leave-without-pay basis and, in accordance with applicable law, orders, and regulations, for expenses of transportation of their immediate families and expenses of transportation of their household goods and personal effects in connection with the travel of such officers and employees to the location of their posts of assignment and their return to their official stations.

[(6) Officers and employees of States who are assigned to the Department under an arrangement under this subsection may (A) be given appointments in the Department covering the periods of such assignments, or (B) be considered to be on detail to the Department. Appointments of persons so assigned may be made without regard to the civil service laws. Persons so appointed in the Department shall be paid at rates of compensation determined in accordance with the Classification Act of 1949, and shall not be considered to be officers or employees of the Department for the purposes of (A) the Civil Service Retirement Act, (B) the Federal Employees' Group Life Insurance Act of 1954, or (C) unless their appointments result in the loss of coverage in a group health benefits plan whose premium has been paid in whole or in part by a State contribution, the Federal Employees Health Benefits Act of 1959. State officers and employees who are assigned to the Department without appointment shall not be considered to be officers or employees of the Department, except as provided in subsection (7), nor shall they be paid a salary or wage by the Department during the period of their assignment. The supervision of the duties of such persons during the assignment may be governed by agreement between the Secretary and the State involved.

[(7) (A) Any State officer or employee who is assigned to the Department without appointment shall nevertheless be subject to the

provisions of sections 203, 205, 207, 208, and 209 of title 18 of the United States Code.

[(B) Any State officer or employee who is given an appointment while assigned to the Department, or who is assigned to the Department without appointment, under an arrangement under this subsection, and who suffers disability or death as a result of personal injury sustained while in the performance of his duty during such assignment shall be treated, for the purpose of the Federal Employees' Compensation Act, as though he were an employee, as defined in such Act, who had sustained such injury in the performance of duty. When such person (or his dependents, in case of death) entitled by reason of injury or death to benefits under that Act is also entitled to benefits from a State for the same injury or death, he (or his dependents, in case of death) shall elect which benefits he will receive. Such election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law.]

[(8) The appropriations to the Department shall be available, in accordance with the standardized Government travel regulations, during the period of assignment and in the case of travel to and from their places of assignment or appointment, for the payment of expenses of travel of persons assigned to, or given appointments by, the Department under an arrangement under this subsection.]

[(9) All arrangements under this subsection for assignment of officers or employees in the Department to States or for assignment of officers or employees of States to the Department shall be made in accordance with regulations of the Secretary.]

Union Calendar No. 835

91ST CONGRESS
2^D SESSION

S. 11

[Report No. 91-1733]

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 1969

Referred to the Committee on Education and Labor

DECEMBER 14, 1970

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To reinforce the federal system by strengthening the personnel resources of State and local governments, to improve inter-governmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government and State and local governments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 ~~That this Act may be cited as the "Intergovernmental Per-~~
 4 ~~sonnel Act of 1969".~~

5 ~~DECLARATION OF POLICY~~

6 ~~SEC. 2. The Congress hereby finds and declares—~~
 7 ~~That effective State and local governmental institutions~~
 8 ~~are essential in the maintenance and development of the fed-~~
 9 ~~eral system in an increasingly complex and interdependent~~
 10 ~~society.~~

11 ~~That, since numerous governmental activities adminis-~~
 12 ~~tered by the State and local governments are related to~~
 13 ~~national purpose and are financed in part by Federal funds,~~
 14 ~~a national interest exists in a high caliber of public service~~
 15 ~~in State and local governments.~~

16 ~~That the quality of public service at all levels of govern-~~
 17 ~~ment can be improved by the development of systems of~~
 18 ~~personnel administration consistent with such merit prin-~~
 19 ~~ciples as—~~

20 ~~(1) recruiting, selecting, and advancing employees~~
 21 ~~on the basis of their relative ability, knowledge, and~~
 22 ~~skills, including open consideration of qualified appli-~~
 23 ~~cants for initial appointment;~~

24 ~~(2) providing equitable and adequate compensa-~~
 25 ~~tion;~~

~~(3) training employees, as needed, to assure high-quality performance;~~

~~(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;~~

~~(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and~~

~~(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.~~

~~That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.~~

~~SEC. 3. The authorities provided by this Act shall be administered in such manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments in the~~

1 ~~design, execution, and management of their own systems of~~
2 ~~personnel administration.~~

3 ~~TITLE I—DEVELOPMENT OF POLICIES AND~~
4 ~~STANDARDS~~

5 ~~DECLARATION OF PURPOSE~~

6 ~~SEC. 101. The purpose of this title is to provide for~~
7 ~~intergovernmental cooperation in the development of policies~~
8 ~~and standards for the administration of programs authorized~~
9 ~~by this Act.~~

10 ~~ADVISORY COUNCIL~~

11 ~~SEC. 102. (a) Within one hundred and eighty days,~~
12 ~~following the date of enactment of this Act, the President~~
13 ~~shall appoint, without regard to the provisions of title 5,~~
14 ~~United States Code, governing appointments in the com-~~
15 ~~petitive service, an advisory council on intergovernmental~~
16 ~~personnel policy. The President may terminate the council~~
17 ~~at any time after the expiration of three years following its~~
18 ~~establishment.~~

19 ~~(b) The advisory council of not to exceed fifteen~~
20 ~~members, shall be composed primarily of officials of the~~
21 ~~Federal Government and State and local governments, but~~
22 ~~shall also include members selected from educational and~~
23 ~~training institutions or organizations, public employee orga-~~
24 ~~nizations, and the general public. At least half of the~~
25 ~~governmental members shall be officials of State and local~~

1 ~~governments. The President shall designate a Chairman~~
2 ~~and a Vice Chairman from among the members of the~~
3 ~~advisory council.~~

4 ~~(c) It shall be the duty of the advisory council to study~~
5 ~~and make recommendations regarding personnel policies and~~
6 ~~programs for the purpose of—~~

7 ~~(1) improving the quality of public administration~~
8 ~~at State and local levels of government, particularly in~~
9 ~~connection with programs that are financed in whole or~~
10 ~~in part from Federal funds;—~~

11 ~~(2) strengthening the capacity of State and local~~
12 ~~governments to deal with complex problems confronting~~
13 ~~them;—~~

14 ~~(3) aiding State and local governments in training~~
15 ~~their professional, administrative, and technical em-~~
16 ~~ployees and officials;—~~

17 ~~(4) aiding State and local governments in develop-~~
18 ~~ing systems of personnel administration that are respon-~~
19 ~~sive to the goals and needs of their programs and effec-~~
20 ~~tive in attracting and retaining capable employees; and~~

21 ~~(5) facilitating temporary assignments of personnel~~
22 ~~between the Federal Government and State and local~~
23 ~~governments and institutions of higher education.~~

24 ~~(d) Members of the advisory council who are not regu-~~
25 ~~lar full-time employees of the United States, while serving~~

1 ~~on the business of the council, including travel time, may~~
 2 ~~receive compensation at rates not exceeding the daily rate~~
 3 ~~for GS-18; and while so serving away from their homes or~~
 4 ~~regular places of business, all members may be allowed travel~~
 5 ~~expenses, including per diem in lieu of subsistence, as author-~~
 6 ~~ized by section 5703 of title 5, United States Code, for~~
 7 ~~individuals in the Government service employed intermit-~~
 8 ~~tently.~~

9 ~~REPORTS OF ADVISORY COUNCIL~~

10 ~~SEC. 103. (a) The advisory council on intergovern-~~
 11 ~~mental personnel policy shall from time to time report to the~~
 12 ~~President and to the Congress its findings and recom-~~
 13 ~~mendations.~~

14 ~~(b) Not later than eighteen months after its establish-~~
 15 ~~ment, the advisory council shall submit an initial report on its~~
 16 ~~activities, which shall include its views and recommenda-~~
 17 ~~tions on—~~

18 ~~(1) the feasibility and desirability of extending~~
 19 ~~merit policies and standards to additional Federal State~~
 20 ~~grant-in-aid programs;~~

21 ~~(2) the feasibility and desirability of extending~~
 22 ~~merit policies and standards to grant-in-aid programs of~~
 23 ~~a Federal-local character;~~

24 ~~(3) appropriate standards for merit personnel ad-~~
 25 ~~ministration, where applicable, including those estab-~~

1 ~~lished by regulations with respect to existing Federal~~
 2 ~~grant in aid programs; and~~

3 ~~(4) the feasibility and desirability of financial and~~
 4 ~~other incentives to encourage State and local govern-~~
 5 ~~ments in the development of comprehensive systems of~~
 6 ~~personnel administration based on merit principles.~~

7 ~~(c) In transmitting to the Congress reports of the ad-~~
 8 ~~visory council, the President shall submit to the Congress~~
 9 ~~proposals of legislation which he deems desirable to carry out~~
 10 ~~the recommendations of the advisory council.~~

11 ~~TITLE II—STRENGTHENING STATE AND LOCAL~~
 12 ~~PERSONNEL ADMINISTRATION~~

13 ~~DECLARATION OF PURPOSE~~

14 ~~SEC. 201. The purpose of this title is to assist State and~~
 15 ~~local governments to strengthen their staffs by improving~~
 16 ~~their personnel administration.~~

17 ~~STATE GOVERNMENT AND STATEWIDE PROGRAMS AND~~

18 ~~GRANTS~~

19 ~~SEC. 202. (a) The United States Civil Service Com-~~
 20 ~~mission (hereinafter referred to as the "Commission") is~~
 21 ~~authorized to make grants to a State for up to 75 per centum~~
 22 ~~(or, with respect to fiscal years commencing after the ex-~~
 23 ~~piration of three years following the effective date of the~~
 24 ~~grant provisions of this Act, for up to 50 per centum)~~
 25 ~~of the costs of developing and carrying out programs or~~

~~1 projects, on the certification of the Governor of that State~~
~~2 that the programs or projects are consistent with the ap-~~
~~3 plicable principles set forth in clauses (1) (6) of the~~
~~4 third paragraph of section 2 of this Act, to strengthen State~~
~~5 and local government personnel administration and to fur-~~
~~6 nish needed personnel administration services to local govern-~~
~~7 ments in that State. The authority provided by this section~~
~~8 shall be employed in such a manner as to encourage inno-~~
~~9 vation and allow for diversity on the part of State and local~~
~~10 governments in the design, execution, and management of~~
~~11 their own systems of personnel administration.~~

~~12 (b) An application for a grant shall be made at such~~
~~13 time or times, and contain such information, as the Com-~~
~~14 mission may prescribe. The Commission may make a grant~~
~~15 under subsection (a) of this section only if the application~~
~~16 thereof—~~

~~17 —(1) provides for designation, by the Governor or~~
~~18 chief executive authority, of the State office that will~~
~~19 have primary authority and responsibility for the devel-~~
~~20 opment and administration of the approved program or~~
~~21 project at the State level;~~

~~22 —(2) provides for the establishment of merit per-~~
~~23 sonnel administration where appropriate and the further~~
~~24 improvement of existing systems based on merit prin-~~
~~25 ciples;~~

~~(3) provides for specific personnel administration improvement needs of the State government and, to the extent appropriate, of the local governments in that State, including State personnel administration services for local governments;~~

~~(4) provides assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and~~

~~(5) sets forth clear and practicable actions for the improvement of particular aspects of personnel administration such as~~

~~(A) establishment of statewide personnel systems of general or special functional coverage to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well qualified professional, administrative, and technical personnel;~~

~~(B) making State grants to local governments to strengthen their staffs by improving their personnel administration;~~

1 ~~(C) assessment of State and local government~~
2 ~~needs for professional, administrative, and technical~~
3 ~~manpower, and the initiation of timely and appropri-~~
4 ~~ate action to meet such needs;~~

5 ~~(D) strengthening one or more major areas of~~
6 ~~personnel administration, such as recruitment and~~
7 ~~selection, training and development, and pay admin-~~
8 ~~istration;~~

9 ~~(E) undertaking research and demonstration~~
10 ~~projects to develop and apply better personnel ad-~~
11 ~~ministration techniques, including both projects con-~~
12 ~~ducted by State and local government staffs and~~
13 ~~projects conducted by colleges or universities or~~
14 ~~other appropriate nonprofit organizations under~~
15 ~~grants or contracts;~~

16 ~~(F) strengthening the recruitment, selection,~~
17 ~~assignment, and development of handicapped per-~~
18 ~~sons, women, and members of disadvantaged groups~~
19 ~~whose capacities are not being utilized fully;~~

20 ~~(G) achieving the most effective use of scarce~~
21 ~~professional, administrative, and technical man-~~
22 ~~power; and~~

23 ~~(H) increasing intergovernmental cooperation~~
24 ~~in personnel administration, with respect to such~~
25 ~~matters as recruiting, examining, pay studies, train-~~

1 ~~ing, education, personnel interchange, manpower-~~
2 ~~utilization, and fringe benefits.~~

3 ~~LOCAL GOVERNMENT PROGRAMS AND GRANTS~~

4 ~~SEC. 203. (a) The Commission is authorized to make~~
5 ~~grants to a general local government, or a combination of~~
6 ~~general local governments, that serve a population of fifty~~
7 ~~thousand or more, for up to 75 per centum (or, with respect~~
8 ~~to fiscal years commencing after the expiration of three years~~
9 ~~following the effective date of the grant provisions of this~~
10 ~~Act, for up to 50 per centum) of the costs of developing and~~
11 ~~carrying out programs or projects, on the certification of the~~
12 ~~Governor of that State that the programs or projects are~~
13 ~~consistent with the applicable principles set forth in clauses~~
14 ~~(1) (6) of the third paragraph of section 2 of this Act, to~~
15 ~~strengthen the personnel administration of such governments.~~
16 ~~Such a grant may be made only if, at the time of submis-~~
17 ~~sion of an application, the State concerned does not then~~
18 ~~currently have an approved application for a grant ade-~~
19 ~~quately providing, in the judgment of the Commission, for~~
20 ~~assistance in strengthening the personnel administration of~~
21 ~~that local government or combination of local governments.~~
22 ~~However, such a grant, except as provided in subsection~~
23 ~~(b) (1) of this section, may not be made until the expira-~~
24 ~~tion of one year from the effective date of the grant pro-~~
25 ~~visions of this Act.~~

~~1 (b) An application for a grant from a general local
2 government or a combination of general local governments
3 shall be made at such time or times and shall contain such
4 information as the Commission may prescribe. The Commis-
5 sion may make a grant under subsection (a) of this section
6 only if the application therefor meets requirements similar
7 to those established in section 202 (b) of this Act for a
8 State application for a grant, unless any such requirement is
9 specifically waived by the Commission, and the requirements
10 of subsection (c) of this section. Such a grant may cover
11 the costs of developing the program or project covered by
12 the application. The Commission may—~~

~~13 (1) waive, at the request of a general local govern-
14 ment or combination of such governments, the one year
15 waiting period, unless the State concerned declares,
16 within ninety days from the effective date of the grant
17 provisions of this Act, an intent to file an application
18 for a grant that will provide adequately for assistance
19 to the local government or governments; and~~

~~20 (2) make grants to general local governments, or
21 combinations of such governments, that serve a popu-
22 lation of less than fifty thousand, if it finds that such
23 grants will help meet essential needs in programs or
24 projects of national interest and will assist general local~~

~~1 governments experiencing special problems in personnel~~
~~2 administration related to such programs or projects.~~

~~3 (c) An application to be submitted to the Commission~~
~~4 under subsection (b) of this section shall first be submitted~~
~~5 by the general local government or combination of such gov-~~
~~6 ernments to the Governor for review and certification that~~
~~7 the programs or projects are consistent with the applicable~~
~~8 principles set forth in clauses (1) (6) of the third para-~~
~~9 graph of section 2 of this Act. The Governor may refer the~~
~~10 application to the State office designated under section 202-~~
~~11 (b) (1) of this Act for review. Comments and recommenda-~~
~~12 tions (if any) made as a result of the review, a statement by~~
~~13 the general local government or combination of such govern-~~
~~14 ments that it has considered the comments and recommenda-~~
~~15 tions, and the certification of the Governor shall accompany~~
~~16 the application to the Commission. The application need not~~
~~17 be accompanied by the certification of the Governor if the~~
~~18 general local government or combination of such govern-~~
~~19 ments certifies to the Commission that the application has~~
~~20 been before the Governor for review and certification for a~~
~~21 period of sixty days without certification by the Governor.~~
~~22 However, if during such sixty day period the Governor (1)-~~
~~23 has found that the programs or projects are not consistent~~
~~24 with the applicable principles set forth in clauses (1) (6)-~~

1 ~~of the third paragraph of section 2 of this Act and (2) has~~
2 ~~set forth in writing the reasons, specifically and in detail,~~
3 ~~therefor, the application may not be submitted to, or be~~
4 ~~considered by, the Commission.~~

5 ~~INTERGOVERNMENTAL COOPERATION IN RECRUITING AND~~
6 ~~EXAMINING~~

7 ~~SEC. 204. (a) The Commission may join, on a shared~~
8 ~~costs basis, with State and local governments in cooperative~~
9 ~~recruiting and examining activities under such procedures~~
10 ~~and regulations as may jointly be agreed upon.~~

11 ~~(b) The Commission also may, on the written request~~
12 ~~of a State or local government and under such procedures as~~
13 ~~may be jointly agreed upon, certify to such governments~~
14 ~~from appropriate Federal registers the names of potential~~
15 ~~employees. The State or local government making the re-~~
16 ~~quest shall pay the Commission for the costs, as determined~~
17 ~~by the Commission, of performing the service, and such pay-~~
18 ~~ments shall be credited to the appropriation or fund from~~
19 ~~which the expenses were or are to be paid.~~

20 ~~TECHNICAL ASSISTANCE~~

21 ~~SEC. 205. The Commission may furnish technical advice~~
22 ~~and assistance, on request, to State and general local govern-~~
23 ~~ments seeking to improve their systems of personnel admin-~~
24 ~~istration. The Commission may waive, in whole or in part,~~
25 ~~payments from such governments for the costs of furnishing~~

1 ~~such assistance. All such payments shall be credited to the~~
 2 ~~appropriation or fund from which the expenses were or are~~
 3 ~~to be paid.~~

4 ~~COORDINATION OF FEDERAL PROGRAMS~~

5 ~~SEC. 206. The Commission, after consultation with~~
 6 ~~other agencies concerned, shall—~~

7 ~~(1) coordinate the personnel administration sup-~~
 8 ~~port and technical assistance given to State and local~~
 9 ~~governments and the support given State programs or~~
 10 ~~projects to strengthen local government personnel ad-~~
 11 ~~ministration, including the furnishing of needed person-~~
 12 ~~nel administration services and technical assistance,~~
 13 ~~under authority of this Act with any such support given~~
 14 ~~under other Federal programs; and~~

15 ~~(2) make such arrangements, including the collec-~~
 16 ~~tion, maintenance, and dissemination of data on grants~~
 17 ~~for strengthening State and local government personnel~~
 18 ~~administration and on grants to States for furnishing~~
 19 ~~needed personnel administration services and technical~~
 20 ~~assistance to local governments, as needed to avoid dupli-~~
 21 ~~cation and insure consistent administration of related~~
 22 ~~Federal activities.~~

23 ~~INTERSTATE COMPACTS~~

24 ~~SEC. 207. The consent of the Congress is hereby given~~
 25 ~~to any two or more States to enter into compacts or other~~

1 ~~agreements, not in conflict with any law of the United~~
 2 ~~States, for cooperative efforts and mutual assistance (in~~
 3 ~~cluding the establishment of appropriate agencies) in con~~
 4 ~~nection with the development and administration of per~~
 5 ~~sonnel and training programs for employees and officials of~~
 6 ~~State and local governments.~~

7 ~~TRANSFER OF FUNCTIONS~~

8 ~~SEC. 208. (a) There are hereby transferred to the~~
 9 ~~Commission all functions, powers, and duties of~~
 10 ~~(1) the Secretary of Agriculture under section~~
 11 ~~10 (e) (2) of the Food Stamp Act of 1964 (7 U.S.C.~~
 12 ~~2019 (e) (2)) ;~~

13 ~~(2) the Secretary of Labor under~~
 14 ~~(A) the Act of June 6, 1933, as amended (29~~
 15 ~~U.S.C. 49 et seq.) ; and~~

16 ~~(B) section 303 (a) (1) of the Social Security~~
 17 ~~Act (42 U.S.C. 503 (a) (1)) ;~~

18 ~~(3) the Secretary of Health, Education, and Wel~~
 19 ~~fare under~~

20 ~~(A) sections 134 (a) (6) and 204 (a) (6) of~~
 21 ~~the Mental Retardation Facilities and Community~~
 22 ~~Health Centers Construction Act of 1963 (42~~
 23 ~~U.S.C. 2674 (a) (6) and 2684 (a) (6)) ;~~

24 ~~(B) section 303 (a) (5) of the Older Ameri~~
 25 ~~cans Act of 1965 (42 U.S.C. 3023 (a) (5)) ;~~

~~(C) sections 314 (a) (2) (F) and (d) (2) (F) and 604 (a) (8) of the Public Health Service Act (42 U.S.C. 246 (a) (2) (F) and (d) (2) (F) and 291d (a) (8)); and~~

~~(D) sections 2 (a) (5) (A), 402 (a) (5) (A), 505 (a) (3) (A), 1002 (a) (5) (A), 1402 (a) (5) (A), 1602 (a) (5) (A), and 1902 (a) (4) (A) of the Social Security Act (42 U.S.C. 302 (a) (5) (A), 602 (a) (5) (A), 705 (a) (3) (A), 1202 (a) (5) (A), 1352 (a) (5) (A), 1382 (a) (5) (A), and 1396a (a) (4) (A)); and~~

~~(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grant in aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program;~~

~~insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.~~

~~(b) The Commission shall~~

~~(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed by the Commission under subsection (a) of this section; and~~

1 ~~(2) advise Federal agencies administering pro-~~
2 ~~grams of grants or financial assistance as to the applica-~~
3 ~~tion of required personnel administration standards, and~~
4 ~~recommend and coordinate the taking of such actions~~
5 ~~by the Federal agencies as the Commission considers~~
6 ~~will most effectively carry out the purpose of this title.~~

7 ~~(c) So much of the personnel, property, records, and~~
8 ~~unexpended balances of appropriations, allocations, and other~~
9 ~~funds of any Federal agency employed, used, held, available,~~
10 ~~or to be made available in connection with the functions,~~
11 ~~powers, and duties vested in the Commission by this section~~
12 ~~as the Director of the Bureau of the Budget shall determine~~
13 ~~shall be transferred to the Commission at such time or times~~
14 ~~as the Director shall direct.~~

15 ~~(d) Personnel standards prescribed by Federal agencies~~
16 ~~under laws and regulations referred to in subsection (a) of~~
17 ~~this section shall continue in effect until modified or super-~~
18 ~~seded by standards prescribed by the Commission under~~
19 ~~subsection (a) of this section.~~

20 ~~(e) Any standards or regulations established pursuant~~
21 ~~to the provisions of this section shall be such as to encourage~~
22 ~~innovation and allow for diversity on the part of State and~~
23 ~~local governments in the design, execution, and management~~
24 ~~of their own individual systems of personnel ad-~~
25 ~~ministration.~~

1 ~~(f) Nothing in this section or in section 202 or 203 of~~
2 ~~this Act shall be construed to—~~

3 ~~(1) authorize any agency or official of the Federal~~
4 ~~Government to exercise any authority, direction, or con-~~
5 ~~trol over the selection, assignment, advancement, reten-~~
6 ~~tion, compensation, or other personnel action with re-~~
7 ~~spect to any individual State or local employee;~~

8 ~~(2) authorize the application of personnel stand-~~
9 ~~ards on a merit basis to the teaching personnel of edu-~~
10 ~~cational institutions or school systems;~~

11 ~~(3) prevent participation by employees or em-~~
12 ~~ployee organizations in the formulation of policies and~~
13 ~~procedures affecting the conditions of their employment,~~
14 ~~subject to the laws and ordinances of the State or local~~
15 ~~government concerned;~~

16 ~~(4) require or request any State or local govern-~~
17 ~~ment employee to disclose his race, religion, or national~~
18 ~~origin, or the race, religion, or national origin, of any of~~
19 ~~his forebears;~~

20 ~~(5) require or request any State or local govern-~~
21 ~~ment employee, or any person applying for employment~~
22 ~~as a State or local government employee, to submit to~~
23 ~~any interrogation or examination or to take any psycho-~~
24 ~~logical test or any polygraph test which is designed to~~
25 ~~elicit from him information concerning his personal re-~~

1 ~~relationship with any person connected with him by blood~~
2 ~~or marriage, or concerning his religious beliefs or prac-~~
3 ~~tices, or concerning his attitude or conduct with respect~~
4 ~~to sexual matters; or~~

5 ~~(6) require or request any State or local govern-~~
6 ~~ment employee to participate in any way in any activi-~~
7 ~~ties or undertakings unless such activities or undertakings~~
8 ~~are related to the performance of official duties to which~~
9 ~~he is or may be assigned or to the development of skills,~~
10 ~~knowledge, or abilities which qualify him for the per-~~
11 ~~formance of such duties.~~

12 ~~(g) This section shall become effective sixty days after~~
13 ~~the date of enactment of this Act.~~

14 ~~TITLE III—TRAINING AND DEVELOPING STATE~~
15 ~~AND LOCAL EMPLOYEES~~

16 ~~—DECLARATION OF PURPOSE—~~

17 ~~SEC. 301. The purpose of this title is to strengthen~~
18 ~~the training and development of State and local government~~
19 ~~employees and officials, particularly in professional, adminis-~~
20 ~~trative, and technical fields.~~

21 ~~ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS~~

22 ~~SEC. 302. (a) In accordance with such conditions as~~
23 ~~may be prescribed by the head of the Federal agency con-~~
24 ~~cerned, a Federal agency may admit State and local govern-~~
25 ~~ment employees and officials to agency training programs.~~

1 ~~established for Federal professional, administrative, or tech-~~
2 ~~nical personnel.~~

3 ~~(b) Federal agencies may waive, in whole or in part,~~
4 ~~payments from, or on behalf of, State and local governments~~
5 ~~for the costs of training provided under this section. Pay-~~
6 ~~ments received by the Federal agency concerned for train-~~
7 ~~ing under this section shall be credited to the appropriation~~
8 ~~or fund used for paying the training costs.~~

9 ~~(c) The Commission may use appropriations authorized~~
10 ~~by this Act to pay the initial additional developmental or~~
11 ~~overhead costs that are incurred by reason of admittance~~
12 ~~of State and local government employees to Federal training~~
13 ~~courses and to reimburse other Federal agencies for such~~
14 ~~costs.~~

15 ~~TRAINING OF PERSONNEL ENGAGED IN GRANT-IN-AID~~
16 ~~PROGRAMS~~

17 ~~SEC. 303. (a) Any Federal agency administering a~~
18 ~~program of grants or financial assistance to State or local~~
19 ~~governments may—~~

20 ~~(1) establish, provide, and conduct training pro-~~
21 ~~grams for employees and officials of State and local gov-~~
22 ~~ernments who have responsibilities related to the feder-~~
23 ~~ally aided program, and receive or waive, in whole or~~
24 ~~in part, payments for such training and credit any such~~

1 ~~payments to the appropriation or fund used for paying~~
2 ~~the training costs; and~~

3 ~~(2) authorize State and local governments—~~

4 ~~(A) from Federal funds available for State or~~
5 ~~local program administration expenses under grants~~
6 ~~or financial assistance; or~~

7 ~~(B) from other Federal grant or financial as-~~
8 ~~sistance funds when so provided in appropriation or~~
9 ~~other Acts;~~

10 ~~to establish, conduct, provide, and support training and edu-~~
11 ~~cation programs for their employees and officials who have~~
12 ~~responsibilities related to the federally aided program, in-~~
13 ~~cluding internship, work study, fellowship, and similar pro-~~
14 ~~grams if approved by the Federal agency concerned, pro-~~
15 ~~vided that full time, graduate level education supported~~
16 ~~under this subsection shall be consistent with provisions~~
17 ~~made for Government Service Fellowships under section 306~~
18 ~~of this Act.~~

19 ~~(b) The State or local government concerned shall—~~

20 ~~(1) in accordance with eligibility criteria prescribed~~
21 ~~by the Federal agency concerned, select the individual~~
22 ~~employees and officials to receive education and training~~
23 ~~in programs established under this section; and~~

24 ~~(2) during the period of the education or training,~~
25 ~~continue the full salary of the employee or official con-~~

~~earned and normal employment benefits such as credit
for seniority, leave accrual, retirement, and insurance.~~

~~GRANTS TO STATE AND LOCAL GOVERNMENTS FOR
TRAINING~~

~~SEC. 304. (a) If in its judgment training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and general local governments for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs, on the certification of the Governor of that State that the programs are consistent with the applicable principles set forth in clauses (1) (6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such grants may not be used to cover costs of full-time graduate-level study, provided for in section 306 of this Act, or the costs of the construction or acquisition of training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments. The authority provided by this section~~

1 ~~shall be employed in such a manner as to encourage innova-~~
2 ~~tion and allow for diversity on the part of State and local~~
3 ~~governments in developing and carrying out training and~~
4 ~~education programs for their personnel.~~

5 ~~(b) An application for a grant from a State or general~~
6 ~~local government shall be made at such time or times, and~~
7 ~~shall contain such information, as the Commission may pre-~~
8 ~~scribe. The Commission may make a grant under subsection~~
9 ~~(a) of this section, only if the application therefor meets~~
10 ~~requirements established by this subsection unless any re-~~
11 ~~quirement is specifically waived by the Commission. Such~~
12 ~~grant to a State, or to a general local government under sub-~~
13 ~~section (c) of this section, may cover the costs of developing~~
14 ~~the program covered by the application. The program cov-~~
15 ~~ered by the application shall--~~

16 ~~(1) provide for designation, by the Governor or~~
17 ~~chief executive authority, of the State office that will~~
18 ~~have primary authority and responsibility for the devel-~~
19 ~~opment and administration of the program at the State~~
20 ~~level;~~

21 ~~(2) provide, to the extent feasible, for coordination~~
22 ~~with relevant training available under or supported by~~
23 ~~other Federal Government programs or grants;~~

1 ~~(3) provide for training needs of the State govern-~~
2 ~~ment and of local governments in that State;~~

3 ~~(4) provide, to the extent feasible, for intergovern-~~
4 ~~mental cooperation in employee training matters, espe-~~
5 ~~cially within metropolitan or regional areas; and~~

6 ~~(5) provide assurance that the making of a Federal~~
7 ~~Government grant will not result in a reduction in~~
8 ~~relevant State or local government expenditures or the~~
9 ~~substitution of Federal funds for State or local funds~~
10 ~~previously made available for these purposes.~~

11 ~~(c) A grant authorized by subsection (a) of this section~~
12 ~~may be made to a general local government, or a combina-~~
13 ~~tion of such governments, that serves a population of~~
14 ~~fifty thousand or more only if, at the time of the submission~~
15 ~~of an application, the State concerned does not then cur-~~
16 ~~rently have an approved application for a grant adequately~~
17 ~~providing, in judgment of the Commission, for training of~~
18 ~~employees of that local government or combination of local~~
19 ~~governments. However, such a grant, except as further pro-~~
20 ~~vided in this subsection, may not be made until the expiration~~
21 ~~of one year from the effective date of the grant provisions~~
22 ~~of this Act. To be approved, an application for a grant under~~

1 ~~this subsection must meet requirements similar to those estab-~~
2 ~~lished in subsection (b) of this section for State applications,~~
3 ~~unless any such requirement is specifically waived by the~~
4 ~~Commission, and the requirements of subsection (d) of this~~
5 ~~section. The Commission may—~~

6 ~~(1) waive, at the request of a general local govern-~~
7 ~~ment or a combination of such governments, the one-~~
8 ~~year waiting period provided under subsection (c) of~~
9 ~~this section unless the State concerned declares, within~~
10 ~~ninety days from the effective date of the grant provi-~~
11 ~~sions of this Act, an intent to file an application for a~~
12 ~~grant that will provide adequately for the training of~~
13 ~~employees of the general local government or govern-~~
14 ~~ments; and—~~

15 ~~(2) make grants to general local governments, or~~
16 ~~combinations of such governments that serve a popu-~~
17 ~~lation of less than fifty thousand if it finds that such~~
18 ~~grants will help meet essential needs in programs or~~
19 ~~projects of national interest and will assist general local~~
20 ~~governments experiencing special needs for personnel~~
21 ~~training and education related to such programs or~~
22 ~~projects.~~

23 ~~(d) An application to be submitted to the Commission~~
24 ~~under subsection (e) of this section shall first be submitted~~

1 ~~by the general local government or combination of such~~
2 ~~governments to the Governor for review and certification that~~
3 ~~the programs or projects are consistent with the applicable~~
4 ~~principles set forth in clauses (1) - (6) of the third paragraph~~
5 ~~of section 2 of this Act. The Governor may refer the applica-~~
6 ~~tion to the State office designated under section 304 (b) (1)~~
7 ~~of this Act for review. Comments and recommendations (if~~
8 ~~any) made as a result of the review, a statement by the~~
9 ~~general local government or combination of such governments~~
10 ~~that it has considered the comments and recommendations,~~
11 ~~and the certification of the Governor shall accompany the~~
12 ~~application to the Commission. The application need not be~~
13 ~~accompanied by the certification of the Governor if the gen-~~
14 ~~eral local government or combination of such governments~~
15 ~~certifies to the Commission that the application has been~~
16 ~~before the Governor for review and certification for a period~~
17 ~~of sixty days without certification by the Governor. However,~~
18 ~~if during such sixty-day period the Governor (1) has found~~
19 ~~that the programs or projects are not consistent with the~~
20 ~~applicable principles set forth in clauses (1) - (6) of the~~
21 ~~third paragraph of section 2 of this Act and (2) has set~~
22 ~~forth in writing the reasons, specifically and in detail,~~
23 ~~therefor, the application may not be submitted to, or be con-~~
24 ~~sidered by, the Commission.~~

1 ~~GRANTS TO OTHER ORGANIZATIONS~~

2 ~~SEC. 305. (a) The Commission is authorized to make~~
 3 ~~grants to other organizations to pay up to 75 per centum~~
 4 ~~(or, with respect to fiscal years commencing after the expira-~~
 5 ~~tion of three years following the effective date of the grant~~
 6 ~~provisions of this Act, up to 50 per centum) of the costs~~
 7 ~~of providing training to professional, administrative, or~~
 8 ~~technical employees and officials of State or local govern-~~
 9 ~~ments if the Commission—~~

10 ~~(1) finds substantial State and local government in—~~
 11 ~~terest in the proposed program; and~~

12 ~~(2) approves the program as meeting such re-~~
 13 ~~quirements as may be prescribed by the Commission in~~
 14 ~~its regulations pursuant to this Act.~~

15 ~~(b) For the purpose of this section “other organization”~~
 16 ~~means—~~

17 ~~(1) a national, regional, statewide, areawide, or~~
 18 ~~metropolitan organization, representing member State or~~
 19 ~~local governments;~~

20 ~~(2) an association of State or local public officials;~~
 21 ~~or~~

22 ~~(3) a nonprofit organization one of whose principal~~
 23 ~~functions is to offer professional advisory, research, de-~~
 24 ~~velopment, educational or related services to govern-~~
 25 ~~ments.~~

~~GOVERNMENT SERVICE FELLOWSHIPS~~

~~SEC. 306. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government Service Fellowships for State and local government personnel. The grants may cover—~~

~~(1) the necessary costs of the fellowship recipient's books, travel, and transportation, and such related expenses as may be authorized by the Commission;~~

~~(2) reimbursement to the State or local government for not to exceed one fourth of the salary of each fellow during the period of the fellowship; and~~

~~(3) payment to the educational institutions involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable federally supported programs for each fellow, less any amount charged the fellow for tuition and nonrefundable fees and deposits.~~

~~(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.~~

1 ~~(c) The State or local government concerned shall—~~

2 ~~(1) select the individual recipients of the fellow-~~
3 ~~ships;~~

4 ~~(2) during the period of the fellowship, continue~~
5 ~~the full salary of the recipient and normal employment~~
6 ~~benefits such as credit for seniority, leave accrual, retire-~~
7 ~~ment, and insurance; and—~~

8 ~~(3) make appropriate plans for the utilization and~~
9 ~~continuation in public service of employees completing~~
10 ~~fellowships and outline such plans in the application for~~
11 ~~the grant.~~

12 ~~COORDINATION OF FEDERAL PROGRAMS~~

13 ~~SEC. 307. The Commission, after consultation with~~
14 ~~other agencies concerned, shall—~~

15 ~~(1) prescribe regulations concerning administration~~
16 ~~of training for employees and officials of State and local~~
17 ~~governments provided for in this title, including require-~~
18 ~~ments for coordination of and reasonable consistency in~~
19 ~~such training programs;~~

20 ~~(2) coordinate the training support given to State~~
21 ~~and local governments under authority of this Act with~~
22 ~~training support given such governments under other~~
23 ~~Federal programs; and~~

24 ~~(3) make such arrangements, including the collec-~~
25 ~~tion and maintenance of data on training grants and pro-~~

~~grams, as may be necessary to avoid duplication of pro-~~
~~grams providing for training and to insure consistent~~
~~administration of related Federal training activities.~~

~~TITLE IV—MOBILITY OF FEDERAL, STATE,~~ ~~AND LOCAL EMPLOYEES~~

~~DECLARATION OF PURPOSE~~

~~SEC. 401. The purpose of this title is to provide for the~~
~~temporary assignment of personnel between the Federal~~
~~Government and State and local governments and institutions~~
~~of higher education.~~

~~AMENDMENTS TO TITLE 5, UNITED STATES CODE~~

~~SEC. 402. (a) Chapter 33 of title 5, United States Code,~~
~~is amended by inserting the following new subchapter at the~~
~~end thereof:~~

~~“SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES~~

~~“§ 3371. Definitions~~

~~“For the purpose of this subchapter—~~

~~“(1) ‘State’ means—~~

~~“(A) a State of the United States, the District~~
~~of Columbia, the Commonwealth of Puerto Rico, and~~
~~a territory or possession of the United States; and~~

~~“(B) an instrumentality or authority of a State~~
~~or States as defined in subparagraph (A) of this~~
~~paragraph (1) and a Federal State authority or~~
~~instrumentality; and—~~

1 ~~“(2) ‘local government’ means—~~

2 ~~“(A) any political subdivision, instrumentality,~~
 3 ~~or authority of a State or States as defined in sub-~~
 4 ~~paragraph (A) of paragraph (1); and~~

5 ~~“(B) any general or special purpose agency of~~
 6 ~~such a political subdivision, instrumentality, or~~
 7 ~~authority.~~

8 ~~“§ 3372. General provisions~~

9 ~~“(a) On request from or with the concurrence of a~~
 10 ~~State or local government, and with the consent of the em-~~
 11 ~~ployee concerned, the head of an executive agency may~~
 12 ~~arrange for the assignment of—~~

13 ~~“(1) an employee of his agency to a State or local~~
 14 ~~government; and~~

15 ~~“(2) an employee of a State or local government~~
 16 ~~to his agency;~~

17 ~~for work of mutual concern to his agency and the State or~~
 18 ~~local government that he determines will be beneficial to~~
 19 ~~both. The period of an assignment under this subchapter may~~
 20 ~~not exceed two years. However, the head of an executive~~
 21 ~~agency may extend the period of assignment for not more~~
 22 ~~than two additional years.~~

23 ~~“(b) This subchapter is authority for and applies to the~~
 24 ~~assignment of—~~

1 ~~“(1) an employee of an executive agency to an~~
 2 ~~institution of higher education; and~~

3 ~~“(2) an employee of an institution of higher educa-~~
 4 ~~tion to an executive agency.~~

5 ~~“§ 3373. Assignment of employees to State and local gov-~~
 6 ~~ernments~~

7 ~~“(a) An employee of an executive agency assigned to~~
 8 ~~a State or local government under this subchapter is deemed,~~
 9 ~~during the assignment, to be either—~~

10 ~~“(1) on detail to a regular work assignment in his~~
 11 ~~agency; or~~

12 ~~“(2) on leave without pay from his position in the~~
 13 ~~agency.~~

14 ~~An employee assigned either on detail or on leave without~~
 15 ~~pay remains an employee of his agency. The Federal Tort~~
 16 ~~Claims Act and any other Federal tort liability statute apply~~
 17 ~~to an employee so assigned. The supervision of the duties of~~
 18 ~~an employee on detail may be governed by agreement~~
 19 ~~between the executive agency and the State or local govern-~~
 20 ~~ment concerned.~~

21 ~~“(b) The assignment of an employee of an executive~~
 22 ~~agency either on detail or on leave without pay to a State~~
 23 ~~or local government under this subchapter may be made with-~~
 24 ~~or without reimbursement by the State or local government~~

1 ~~for the travel and transportation expenses to or from the place~~
2 ~~of assignment and for the pay, or supplemental pay, or a~~
3 ~~part thereof, of the employee during assignment. Any reim-~~
4 ~~bursements shall be credited to the appropriation of the~~
5 ~~executive agency used for paying the travel and transporta-~~
6 ~~tion expenses or pay.~~

7 ~~“(c) For an employee so assigned and on leave with-~~
8 ~~out pay—~~

9 ~~“(1) if the rate of pay for his employment by the~~
10 ~~State or local government is less than the rate of pay he~~
11 ~~would have received had he continued in his regular~~
12 ~~assignment in the agency, he is entitled to receive supple-~~
13 ~~mental pay from the agency in an amount equal to the~~
14 ~~difference between the State or local government rate~~
15 ~~and the agency rate;~~

16 ~~“(2) he is entitled to annual and sick leave to the~~
17 ~~same extent as if he had continued in his regular assign-~~
18 ~~ment in the agency; and~~

19 ~~“(3) he is entitled, notwithstanding other~~
20 ~~statutes—~~

21 ~~“(A) to continuation of his insurance under~~
22 ~~chapter 87 of this title, and coverage under chapter~~
23 ~~89 of this title or other applicable authority, so long~~
24 ~~as he pays currently into the Employee's Life In-~~
25 ~~surance Fund and the Employee's Health Benefits~~

1 ~~Fund or other applicable health benefits system~~
2 ~~(through his employing agency) the amount of the~~
3 ~~employee contributions;~~

4 ~~“(B) to credit the period of his assignment un-~~
5 ~~der this subchapter toward periodic step increases,~~
6 ~~retention, and leave accrual purposes, and, on pay-~~
7 ~~ment into the Civil Service Retirement and Disabil-~~
8 ~~ity Fund or other applicable retirement system of the~~
9 ~~percentage of his State or local government pay, and~~
10 ~~of his supplemental pay, if any, that would have~~
11 ~~been deducted from a like agency pay for the~~
12 ~~period of the assignment and payment by the execu-~~
13 ~~tive agency into the fund or system of the amount~~
14 ~~that would have been payable by the agency during~~
15 ~~the period of the assignment with respect to a like~~
16 ~~agency pay, to treat (notwithstanding section 8348~~
17 ~~(g) of this title) his service during that period as~~
18 ~~service of the type performed in the agency imme-~~
19 ~~diately before his assignment; and~~

20 ~~“(C) for the purpose of subchapter I of chapter~~
21 ~~85 of this title, to credit the service performed during~~
22 ~~the period of his assignment under this subchapter~~
23 ~~as Federal service, and to consider his State or local~~
24 ~~government pay (and his supplemental pay, if any)~~

1 ~~as Federal wages. To the extent that the service~~
2 ~~could also be the basis for entitlement to unemploy-~~
3 ~~ment compensation under a State law, the employee~~
4 ~~may elect to claim unemployment compensation on~~
5 ~~the basis of the service under either the State law or~~
6 ~~subchapter I of chapter 85 of this title.~~

7 ~~However, an employee or his beneficiary may not receive~~
8 ~~benefits referred to in subparagraphs (A) and (B) of this~~
9 ~~paragraph (3), based on service during an assignment under~~
10 ~~this subchapter for which the employee or, if he dies without~~
11 ~~making such an election, his beneficiary elects to receive~~
12 ~~benefits, under any State or local government retirement or~~
13 ~~insurance law or program, which the Civil Service Commis-~~
14 ~~sion determines to be similar. The executive agency shall~~
15 ~~deposit currently in the Employee's Life Insurance Fund,~~
16 ~~the Employee's Health Benefits Fund or other applicable~~
17 ~~health benefits system, respectively, the amount of the Gov-~~
18 ~~ernment's contributions on account of service with respect to~~
19 ~~which employee contributions are collected as provided in~~
20 ~~subparagraphs (A) and (B) of this paragraph (3).~~

21 ~~“(d) (1) An employee so assigned and on leave with-~~
22 ~~out pay who dies or suffers disability as a result of personal~~
23 ~~injury sustained while in the performance of his duty during~~
24 ~~an assignment under this subchapter shall be treated, for the~~
25 ~~purpose of subchapter I of chapter 81 of this title, as though~~

~~1 he were an employee as defined by section 8101 of this title~~
~~2 who had sustained the injury in the performance of duty.~~
~~3 When an employee (or his dependents in case of death) en-~~
~~4 titled by reason of injury or death to benefits under subchap-~~
~~5 ter I of chapter 81 of this title is also entitled to benefits from~~
~~6 a State or local government for the same injury or death, he~~
~~7 (or his dependents in case of death) shall elect which bene-~~
~~8 fits he will receive. The election shall be made within one~~
~~9 year after the injury or death, or such further time as the~~
~~10 Secretary of Labor may allow for reasonable cause shown.~~
~~11 When made, the election is irrevocable unless otherwise pro-~~
~~12 vided by law.~~

~~13 “(2) An employee who elects to receive benefits from a~~
~~14 State or local government may not receive an annuity under~~
~~15 subchapter III of chapter 83 of this title and benefits from~~
~~16 the State or local government for injury or disability to him-~~
~~17 self covering the same period of time. This provision does~~
~~18 not—~~

~~19 “(A) bar the right of a claimant to the greater~~
~~20 benefit conferred by either the State or local govern-~~
~~21 ment or subchapter III of chapter 83 of this title for~~
~~22 any part of the same period of time;~~

~~23 “(B) deny to an employee an annuity accruing to~~
~~24 him under subchapter III of chapter 83 of this title on~~
~~25 account of service performed by him; or~~

1 ~~“(C) deny any concurrent benefit to him from the~~
 2 ~~State or local government on account of the death of~~
 3 ~~another individual.~~

4 ~~“§ 3374. Assignments of employees from State or local~~
 5 ~~governments—~~

6 ~~“(a) An employee of a State or local government who~~
 7 ~~is assigned to an executive agency under an arrangement~~
 8 ~~under this subchapter may—~~

9 ~~“(1) be appointed in the executive agency with-~~
 10 ~~out regard to the provisions of this title governing ap-~~
 11 ~~pointment in the competitive service for the agreed~~
 12 ~~period of the assignment; or~~

13 ~~“(2) be deemed on detail to the executive agency.~~

14 ~~“(b) An employee given an appointment is entitled to~~
 15 ~~pay in accordance with chapter 51 and subchapter III of~~
 16 ~~chapter 53 of this title or other applicable law, and is~~
 17 ~~deemed an employee of the executive agency for all pur-~~
 18 ~~poses except—~~

19 ~~“(1) subchapter III of chapter 83 of this title or~~
 20 ~~other applicable retirement system;~~

21 ~~“(2) chapter 87 of this title; and~~

22 ~~“(3) chapter 89 of this title or other applicable~~
 23 ~~health benefits system unless his appointment results in~~
 24 ~~the loss of coverage in a group health benefits plan the~~

1 ~~premium of which has been paid in whole or in part~~
2 ~~by a State or local government contribution.~~

3 ~~“(c) During the period of assignment, a State or local~~
4 ~~government employee on detail to an executive agency—~~

5 ~~“(1) is not entitled to pay from the agency;~~

6 ~~“(2) is deemed an employee of the agency for the~~
7 ~~purpose of chapter 73 of this title, sections 203, 205,~~
8 ~~207, 208, 209, 602, 603, 606, 607, 643, 654, 1905,~~
9 ~~and 1913 of title 18, section 638a of title 31, and the~~
10 ~~Federal Tort Claims Act and any other Federal tort~~
11 ~~liability statute; and~~

12 ~~“(3) is subject to such regulations as the President~~
13 ~~may prescribe.~~

14 ~~The supervision of the duties of such an employee may be~~
15 ~~governed by agreement between the executive agency and~~
16 ~~the State or local government concerned. A detail of a State~~
17 ~~or local government employee to an executive agency may~~
18 ~~be made with or without reimbursement by the executive~~
19 ~~agency for the pay, or a part thereof, of the employee during~~
20 ~~the period of assignment.~~

21 ~~“(d) A State or local government employee who is~~
22 ~~given an appointment in an executive agency for the~~
23 ~~period of the assignment or who is on detail to an executive~~
24 ~~agency and who suffers disability or dies as a result of~~

1 ~~personal injury sustained while in the performance of his~~
2 ~~duty during the assignment shall be treated, for the purpose~~
3 ~~of subchapter I of chapter 81 of this title, as though he~~
4 ~~were an employee as defined by section 8101 of this title~~
5 ~~who had sustained the injury in the performance of duty.~~
6 ~~When an employee (or his dependents in case of death)~~
7 ~~entitled by reason of injury or death to benefits under sub-~~
8 ~~chapter I of chapter 81 of this title is also entitled to~~
9 ~~benefits from a State or local government for the same~~
10 ~~injury or death, he (or his dependents in case of death)~~
11 ~~shall elect which benefits he will receive. The election~~
12 ~~shall be made within 1 year after the injury or death, or~~
13 ~~such further time as the Secretary of Labor may allow~~
14 ~~for reasonable cause shown. When made, the election is~~
15 ~~irrevocable unless otherwise provided by law.~~

16 ~~“(c) If a State or local government fails to continue~~
17 ~~the employer’s contribution to State or local government~~
18 ~~retirement, life insurance, and health benefit plans for a~~
19 ~~State or local government employee who is given an ap-~~
20 ~~pointment in an executive agency, the employer’s con-~~
21 ~~tributions covering the State or local government employee’s~~
22 ~~period of assignment, or any part thereof, may be made~~
23 ~~from the appropriations of the executive agency concerned.~~

24 ~~“§ 3375. Travel expenses~~

25 ~~“(a) Appropriations of an executive agency are avail-~~

1 ~~able to pay, or reimburse, a Federal or State or local gov-~~
2 ~~ernment employee in accordance with—~~

3 ~~“(1) subchapter I of chapter 57 of this title, for~~
4 ~~the expenses of—~~

5 ~~“(A) travel, including a per diem allowance,~~
6 ~~to and from the assignment location;~~

7 ~~“(B) a per diem allowance at the assignment~~
8 ~~location during the period of the assignment; and~~

9 ~~“(C) travel, including a per diem allowance,~~
10 ~~while traveling on official business away from his~~
11 ~~designated post of duty during the assignment when~~
12 ~~the head of the executive agency considers the travel~~
13 ~~in the interest of the United States;~~

14 ~~“(2) section 5724 of this title, for the expenses of~~
15 ~~transportation of his immediate family and of his house-~~
16 ~~hold goods and personal effects to and from the assign-~~
17 ~~ment location;~~

18 ~~“(3) section 5724a (a) (1) of this title, for the~~
19 ~~expenses of per diem allowances for the immediate~~
20 ~~family of the employee to and from the assignment~~
21 ~~location;~~

22 ~~“(4) section 5724a (a) (3) of this title, for sub-~~
23 ~~sistence expenses of the employee and his immediate~~
24 ~~family while occupying temporary quarters at the assign-~~

1 ~~ment location and on return to his former post of duty;~~
2 ~~and~~

3 ~~“(5) section 5726 (c) of this title, for the expenses~~
4 ~~of nontemporary storage of household goods and per-~~
5 ~~sonal effects in connection with assignment at an isolated~~
6 ~~location.~~

7 ~~“(b) Expenses specified in subsection (a) of this sec-~~
8 ~~tion, other than those in paragraph (1) (C), may not be~~
9 ~~allowed in connection with the assignment of a Federal or~~
10 ~~State or local government employee under this subchapter,~~
11 ~~unless and until the employee agrees in writing to complete~~
12 ~~the entire period of his assignment or one year, whichever~~
13 ~~is shorter, unless separated or reassigned for reasons beyond~~
14 ~~his control that are acceptable to the executive agency con-~~
15 ~~cerned. If the employee violates the agreement, the money~~
16 ~~spent by the United States for these expenses is recoverable~~
17 ~~from the employee as a debt due the United States. The~~
18 ~~head of the executive agency concerned may waive in~~
19 ~~whole or in part a right of recovery under this subsection~~
20 ~~with respect to a State or local government employee on~~
21 ~~assignment with the agency.~~

22 ~~“(c) Appropriations of an executive agency are avail-~~
23 ~~able to pay expenses under section 5742 of this title with~~
24 ~~respect to a Federal or State or local government employee-~~
25 ~~assigned under this subchapter.~~

~~“§ 3376. Regulations~~

~~“The President may prescribe regulations for the administration of this subchapter.”~~

~~(b) The analysis of chapter 33 of title 5, United States Code, is amended by inserting the following at the end thereof:~~

~~“SUBCHAPTER VI ASSIGNMENTS TO AND FROM STATES~~

~~“Sec.~~

~~“3371. Definitions.~~

~~“3372. General provisions.~~

~~“3373. Assignments of employees to State or local governments.~~

~~“3374. Assignments of employees from State or local governments.~~

~~“3375. Travel expenses.~~

~~“3376. Regulations.”~~

~~REPEAL OF SPECIAL AUTHORITIES~~

~~SEC. 403. The Act of August 2, 1956, as amended (7 U.S.C. 1881-1888), section 507 of the Act of April 11, 1965 (20 U.S.C. 867), and section 314 (f) of the Public Health Service Act (42 U.S.C. 246 (f)) (less applicability to commissioned officers of the Public Health Service) are hereby repealed.~~

~~SEC. 404. This title shall become effective sixty days after the date of enactment of this Act.~~

~~TITLE V—GENERAL PROVISIONS~~

~~DECLARATION OF PURPOSE~~

~~SEC. 501. The purpose of this title is to provide for the general administration of titles I, II, III, and V of this Act (hereinafter referred to as “this Act”), and to provide for the establishment of certain advisory committees.~~

~~DEFINITIONS~~

~~SEC. 502. For the purpose of this Act—~~

~~(1) “Commission” means the United States Civil Service Commission;~~

~~(2) “Federal agency” means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;~~

~~(3) “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal interstate agencies but does not include the governments of the political subdivisions of a State; and~~

~~(4) “local government” means a city, town, county, or other subdivision or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A “general local government” means a city, town, county, or comparable general purpose political subdivision of a State.~~

~~GENERAL ADMINISTRATIVE PROVISIONS~~

~~SEC. 503. (a) Unless otherwise specifically provided, the Commission shall administer this Act.~~

1 ~~(b) The Commission shall furnish such advice and as-~~
2 ~~sistance to State and local governments as may be necessary~~
3 ~~to carry out the purposes of this Act.~~

4 ~~(c) In the performance of, and with respect to, the~~
5 ~~functions, powers, and duties vested in it by this Act, the~~
6 ~~Commission may—~~

7 ~~(1) issue such standards and regulations as may~~
8 ~~be necessary to carry out the purposes of this Act;~~

9 ~~(2) consent to the modification of any contract en-~~
10 ~~tered into pursuant to this Act, such consent being sub-~~
11 ~~ject to any specific limitations of this Act;~~

12 ~~(3) include in any contract made pursuant to this~~
13 ~~Act such covenants, conditions, or provisions as it deems~~
14 ~~necessary to assure that the purposes of this Act will~~
15 ~~be achieved; and~~

16 ~~(4) utilize the services and facilities of any Federal~~
17 ~~agency, any State or local government, and any other~~
18 ~~public or nonprofit agency or institution, on a reim-~~
19 ~~bursable basis or otherwise, in accordance with agree-~~
20 ~~ments between the Commission and the head thereof.~~

21 ~~(d) In the performance of, and with respect to the~~
22 ~~functions, powers, and duties vested in it by this Act, the~~
23 ~~Commission—~~

24 ~~(1) may collect information from time to time with~~
25 ~~respect to State and local government training programs~~

1 ~~and personnel administration improvement programs and~~
2 ~~projects under this Act, and make such information~~
3 ~~available to interested groups, organizations, or agencies,~~
4 ~~public or private;~~

5 ~~(2) may conduct such research and make such eval-~~
6 ~~uation as needed for the efficient administration of this~~
7 ~~Act; and~~

8 ~~(3) shall include in its annual report a report of~~
9 ~~the administration of this Act.~~

10 ~~(c) The provisions of this Act are not a limitation on~~
11 ~~existing authorities under other statutes but are in addition~~
12 ~~to any such authorities, unless otherwise specifically pro-~~
13 ~~vided in this Act.~~

14 ~~REPORTING REQUIREMENTS~~

15 ~~SEC. 504. (a) A State or local government office desig-~~
16 ~~nated to administer a program or project under this Act shall~~
17 ~~make reports and evaluations in such form, at such times,~~
18 ~~and containing such information concerning the status and~~
19 ~~application of Federal funds and the operation of the ap-~~
20 ~~proved program or project as the Commission may require,~~
21 ~~and shall keep and make available such records as may be~~
22 ~~required by the Commission for the verification of such~~
23 ~~reports and evaluations.~~

24 ~~(b) An organization which receives a training grant~~
25 ~~under section 305 of this Act shall make reports and evalua-~~

1 ~~tions in such form, at such times, and containing such infor-~~
2 ~~mation concerning the status and application of Federal~~
3 ~~grant funds and the operation of the training program as the~~
4 ~~Commission may require, and shall keep and make available~~
5 ~~such records as may be required by the Commission for the~~
6 ~~verification of such reports and evaluations.~~

7 ~~REVIEW AND AUDIT~~

8 ~~SEC. 505. The Commission, the head of the Federal~~
9 ~~agency concerned, and the Comptroller General of the United~~
10 ~~States, or any of their duly authorized representatives, shall~~
11 ~~have access, for the purpose of audit and examination, to~~
12 ~~any books, documents, papers, and records of a grant recip-~~
13 ~~ient that are pertinent to the grant received.~~

14 ~~DISTRIBUTION OF GRANTS~~

15 ~~SEC. 506. (a) The Commission shall allocate 20 per-~~
16 ~~centum of the total amount available for grants under this~~
17 ~~Act in such manner as will most nearly provide an equitable~~
18 ~~distribution of the grants among States and between State~~
19 ~~and local governments, taking into consideration such factors~~
20 ~~as the size of the population, number of employees affected,~~
21 ~~the urgency of the programs or projects, the need for funds~~
22 ~~to carry out the purposes of this Act, and the potential of~~
23 ~~the governmental jurisdictions concerned to use the funds~~
24 ~~most effectively.~~

25 ~~(b) (1) The Commission shall allocate 80 per centum of~~

1 ~~the total amount available for grants under this Act among~~
2 ~~the States on a weighted formula taking into consideration~~
3 ~~such factors as the size of population and the number of State~~
4 ~~and local government employees affected.~~

5 ~~(2) The amount allocated for each State under para-~~
6 ~~graph (1) of this subsection shall be further allocated by the~~
7 ~~Commission to meet the needs of both the State government~~
8 ~~and the local governments within the State on a weighted~~
9 ~~formula taking into consideration such factors as the number~~
10 ~~of State and local government employees and the amount of~~
11 ~~State and local government expenditures. The Commission~~
12 ~~shall determine the categories of employees and expenditures~~
13 ~~to be included or excluded, as the case may be, in the number~~
14 ~~of employees and amount of expenditures. The minimum~~
15 ~~allocation for meeting needs of local governments in each~~
16 ~~State (other than the District of Columbia) shall be 50 per~~
17 ~~centum of the amount allocated for the State under paragraph~~
18 ~~(1) of this subsection.~~

19 ~~(3) The amount of any allocation under paragraph~~
20 ~~(2) of this subsection which the Commission determines, on~~
21 ~~the basis of information available to it, will not be used to~~
22 ~~meet needs for which allocated shall be available for use to~~
23 ~~meet the needs of the State government or local governments~~
24 ~~in that State, as the case may be, on such date or dates as the~~
25 ~~Commission may fix.~~

1 ~~(4) The amount allocated for any State under paragraph~~
 2 ~~(1) of this subsection which the Commission determines, on~~
 3 ~~the basis of information available to it, will not be used shall~~
 4 ~~be available for reallocation by the Commission from time~~
 5 ~~to time, on such date or dates as it may fix among other States~~
 6 ~~with respect to which such a determination has not been~~
 7 ~~made, in accordance with the formula set forth in paragraph~~
 8 ~~(1) of this subsection, but with such amount for any of such~~
 9 ~~other States being reduced to the extent it exceeds the sum the~~
 10 ~~Commission estimates said State needs and will be able to use;~~
 11 ~~and the total of such reductions shall be similarly reallocated~~
 12 ~~among the States whose proportionate amounts were not so~~
 13 ~~reduced.~~

14 ~~(5) for the purposes of this subsection, "State" means~~
 15 ~~the several States of the United States and the District of~~
 16 ~~Columbia.~~

17 ~~(c) Notwithstanding the other provisions of this section,~~
 18 ~~the total of the payments from the appropriations for any~~
 19 ~~fiscal year under this Act made with respect to programs~~
 20 ~~or projects in any one State may not exceed an amount equal~~
 21 ~~to 12½ per centum of such appropriation.~~

22 ~~TERMINATION OF GRANTS~~

23 ~~SEC. 507. Whenever the Commission, after giving rea-~~
 24 ~~sonable notice and opportunity for hearing to the State or~~
 25 ~~general local government concerned, finds—~~

1 ~~(1) that a program or project has been so changed~~
2 ~~that it no longer complies with the provisions of this~~
3 ~~Act; or~~

4 ~~(2) that in the operation of the program or project~~
5 ~~there is a failure to comply substantially with any such~~
6 ~~provision;~~

7 ~~the Commission shall notify the State or general local gov-~~
8 ~~ernment of its findings and no further payments may be~~
9 ~~made to such government by the Commission until it is satis-~~
10 ~~fied that such noncompliance has been, or will promptly be,~~
11 ~~corrected. However, the Commission may authorize the con-~~
12 ~~tinuance of payments to those projects approved under this~~
13 ~~Act which are not involved in the noncompliance.~~

14 ~~ADVISORY COMMITTEES~~

15 ~~SEC. 508. (a) The Commission may appoint, without~~
16 ~~regard to the provisions of title 5, United States Code, gov-~~
17 ~~erning appointments in the competitive service, such advisory~~
18 ~~committee or committees as it may determine to be necessary~~
19 ~~to facilitate the administration of this Act.~~

20 ~~(b) Members of advisory committees who are not regu-~~
21 ~~lar full-time employees of the United States, while serving on~~
22 ~~the business of the committees including traveltime may re-~~
23 ~~ceive compensation at rates not exceeding the daily rate for~~
24 ~~GS-18; and while so serving away from their homes or~~
25 ~~regular places of business may be allowed travel expenses,~~

1 ~~including per diem in lieu of subsistence, as authorized by~~
 2 ~~section 5703 of title 5, United States Code, for individuals in~~
 3 ~~the Government service employed intermittently.~~

4 ~~APPROPRIATION AUTHORIZATION~~

5 ~~SEC. 509. There are authorized to be appropriated,~~
 6 ~~without fiscal year limitation, such sums as may be necessary~~
 7 ~~to carry out the programs authorized by this Act.~~

8 ~~REVOLVING FUND~~

9 ~~SEC. 510. (a) Section 1304 (c) of title 5, United States~~
 10 ~~Code, is amended to read as follows:~~

11 ~~“(e) (1) A revolving fund is available to the Commis-~~
 12 ~~sion without fiscal year limitation for financing—~~

13 ~~“(A) investigations, training, and such other func-~~
 14 ~~tions and services as the Commission is authorized or~~
 15 ~~required to perform on a reimbursable basis; and—~~

16 ~~“(B) such other functions and services as the Com-~~
 17 ~~mission, with the approval of the Bureau of the Budget,~~
 18 ~~determines may be financed more advantageously~~
 19 ~~through the fund, and to the maximum extent feasible,~~
 20 ~~each individual activity shall be conducted generally on~~
 21 ~~an actual cost basis over a reasonable period of time.~~

22 ~~“(2) The capital of the fund consists of the aggre-~~
 23 ~~gate of—~~

24 ~~“(A) appropriations made to provide capital for the~~
 25 ~~fund, which appropriations are hereby authorized; and~~

1 ~~“(B) the sum of the fair and reasonable value of~~
2 ~~such supplies, equipment, and other assets as the Com-~~
3 ~~mission from time to time transfers to the fund (includ-~~
4 ~~ing the amount of unexpended balances of appropriations~~
5 ~~or funds relating to activities the financing of which is~~
6 ~~transferred to the fund) less the amount of related lia-~~
7 ~~bilities, the amount of unpaid obligations, and the value~~
8 ~~of accrued annual leave of employees, which are attrib-~~
9 ~~utable to the activities the financing of which is trans-~~
10 ~~ferred to the fund.~~

11 ~~“(3) The fund shall be credited with—~~

12 ~~“(A) reimbursements and advance payments from~~
13 ~~available funds of the Commission, other agencies, or~~
14 ~~State or local governments, or from other sources, for~~
15 ~~those services and supplies provided at rates estimated~~
16 ~~by the Commission as adequate to recover expenses of~~
17 ~~operation, including provision for accrued annual leave~~
18 ~~of employees, the depreciation of equipment, and the~~
19 ~~net losses on property transferred or donated to the~~
20 ~~fund; and~~

21 ~~“(B) receipts from sales or exchanges of property,~~
22 ~~and payments for loss or damage to property, accounted~~
23 ~~for under the fund.~~

24 ~~“(4) Any unobligated and unexpended balances in the~~
25 ~~fund that the Commission determines to be in excess of the~~

1 ~~amounts needed for activities financed by the fund shall be~~
2 ~~deposited in the Treasury of the United States as miscel-~~
3 ~~laneous receipts."~~

4 ~~(b) Section 1304 (f) of title 5, United States Code, is~~
5 ~~amended by striking out "investigations made" and insert-~~
6 ~~ing "investigations, training, and functions performed" in~~
7 ~~place thereof.~~

8 ~~(c) The fund referred to in the amendment made by~~
9 ~~subsection (a) of this section shall be held and considered~~
10 ~~to be the same fund as that referred to in section 1304 (c)~~
11 ~~of title 5, United States Code, as in existence immediately~~
12 ~~prior to such amendment, and the capital thereof immediately~~
13 ~~following such amendment shall be the same as that imme-~~
14 ~~diately prior to such amendment.~~

15 ~~LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST~~

16 ~~SHARING~~

17 ~~SEC. 511. Federal funds made available to State or~~
18 ~~local governments under other programs may not be used~~
19 ~~by the State or local government for cost sharing purposes~~
20 ~~under grant provisions of this Act, except that Federal~~
21 ~~funds of a program financed wholly by Federal funds~~
22 ~~may be used to pay a pro rata share of such cost sharing.~~
23 ~~State or local government funds used for cost sharing~~
24 ~~on other federally assisted programs may not be used for~~
25 ~~cost sharing under grant provisions of this Act.~~

1 ~~METHOD OF PAYMENT~~

2 ~~SEC. 512. Payments under this Act may be made in~~
3 ~~installments, and in advance or by way of reimbursement,~~
4 ~~as the Commission may determine, with necessary adjust-~~
5 ~~ments on account of overpayments or underpayments.~~

6 ~~EFFECTIVE DATE OF GRANT PROVISIONS~~

7 ~~SEC. 513. Grant provisions of this Act shall become~~
8 ~~effective one hundred and eighty days following the date~~
9 ~~of enactment of this Act.~~

10 ~~CONFLICTS OF INTEREST EXEMPTION~~

11 ~~SEC. 514. Section 207 (b), title 18, United States Code,~~
12 ~~is amended by adding the following before the period at the~~
13 ~~end thereof: “: And provided further, That nothing in sub-~~
14 ~~section (a) or (b) shall prevent a former officer or employee,~~
15 ~~including a special Government employee, from acting or~~
16 ~~appearing personally as agent or attorney for a unit of State~~
17 ~~or local government, or two or more such units, if (i) the~~
18 ~~former officer or employee is a full time officer or employee of~~
19 ~~such unit or units; and (ii) the head of the department or~~

1 agency concerned with the matter shall certify that in his
2 opinion the interest of the Government will not be prejudiced
3 by such action or appearance by the former officer or
4 employee”.

5 *That this Act may be cited as the “Intergovernmental Per-*
6 *sonnel Act of 1970”.*

7 *DECLARATION OF POLICY*

8 *SEC. 2. The Congress hereby finds and declares—*

9 *That effective State and local governmental institutions*
10 *are essential in the maintenance and development of the fed-*
11 *eral system in an increasingly complex and interdependent*
12 *society.*

13 *That, since numerous governmental activities adminis-*
14 *tered by the State and local governments are related to*
15 *national purpose and are financed in part by Federal funds,*
16 *a national interest exists in a high caliber of public service*
17 *in State and local governments.*

18 *That the quality of public service at all levels of govern-*
19 *ment can be improved by the development of systems of*

1 personnel administration consistent with such merit prin-
2 ciples as—

3 (1) recruiting, selecting, and advancing employees
4 on the basis of their relative ability, knowledge, and
5 skills, including open consideration of qualified appli-
6 cants for initial appointment;

7 (2) providing equitable and adequate compensa-
8 tion;

9 (3) training employees, as needed, to assure high-
10 quality performance;

11 (4) retaining employees on the basis of the ade-
12 quacy of their performance, correcting inadequate per-
13 formance, and separating employees whose inadequate
14 performance cannot be corrected;

15 (5) assuring fair treatment of applicants and em-
16 ployees in all aspects of personnel administration without
17 regard to political affiliation, race, color, national origin,
18 sex, or religious creed and with proper regard for their
19 privacy and constitutional rights as citizens; and

20 (6) assuring that employees are protected against
21 coercion for partisan political purposes and are pro-
22 hibited from using their official authority for the purpose
23 of interfering with or affecting the result of an election
24 or a nomination for office.

1 *That Federal financial and technical assistance to State*
2 *and local governments for strengthening their personnel*
3 *administration in a manner consistent with these principles*
4 *is in the national interest.*

5 *SEC. 3. The authorities provided by this Act shall be*
6 *administered in such manner as (1) to recognize fully the*
7 *rights, powers, and responsibilities of State and local govern-*
8 *ments, and (2) to encourage innovation and allow for*
9 *diversity on the part of State and local governments in the*
10 *design, execution, and management of their own systems of*
11 *personnel administration.*

12 *TITLE I—DEVELOPMENT OF POLICIES AND*
13 *STANDARDS*

14 *DECLARATION OF PURPOSE*

15 *SEC. 101. The purpose of this title is to provide for*
16 *intergovernmental cooperation in the development of policies*
17 *and standards for the administration of programs authorized*
18 *by this Act.*

19 *ADVISORY COUNCIL*

20 *SEC. 102. (a) Within one hundred and eighty days*
21 *following the date of enactment of this Act, the President*
22 *shall appoint, without regard to the provisions of title 5,*
23 *United States Code, governing appointments in the com-*

1 *petitive service, an advisory council on intergovernmental*
2 *personnel policy. The President may terminate the council*
3 *at any time after the expiration of three years following its*
4 *establishment.*

5 *(b) The advisory council of not to exceed fifteen*
6 *members, shall be composed primarily of officials of the*
7 *Federal Government and State and local governments, but*
8 *shall also include members selected from educational and*
9 *training institutions or organizations, public employee orga-*
10 *nizations, and the general public. At least half of the*
11 *governmental members shall be officials of State and local*
12 *governments. The President shall designate a Chairman*
13 *and a Vice Chairman from among the members of the*
14 *advisory council.*

15 *(c) It shall be the duty of the advisory council to study*
16 *and make recommendations regarding personnel policies and*
17 *programs for the purpose of—*

18 *(1) improving the quality of public administration*
19 *at State and local levels of government, particularly in*
20 *connection with programs that are financed in whole or*
21 *in part from Federal funds;*

22 *(2) strengthening the capacity of State and local*
23 *governments to deal with complex problems confronting*
24 *them;*

1 (3) *aiding State and local governments in training*
2 *their professional, administrative, and technical em-*
3 *ployees and officials;*

4 (4) *aiding State and local governments in develop-*
5 *ing systems of personnel administration that are respon-*
6 *sive to the goals and needs of their programs and effec-*
7 *tive in attracting and retaining capable employees; and*

8 (5) *facilitating temporary assignments of personnel*
9 *between the Federal Government and State and local*
10 *governments and institutions of higher education.*

11 (d) *Members of the advisory council who are not regu-*
12 *lar full-time employees of the United States, while serving*
13 *on the business of the council, including travel time, may*
14 *receive compensation at rates not exceeding the daily rate*
15 *for GS-18; and while so serving away from their homes or*
16 *regular places of business, all members may be allowed travel*
17 *expenses, including per diem in lieu of subsistence, as author-*
18 *ized by section 5703 of title 5, United States Code, for*
19 *individuals in the Government service employed intermit-*
20 *tently.*

21 *REPORTS OF ADVISORY COUNCIL*

22 SEC. 103. (a) *The advisory council on intergovern-*
23 *mental personnel policy shall from time to time report to the*

1 *President and to the Congress its findings and recom-*
2 *mendations.*

3 *(b) Not later than eighteen months after its establish-*
4 *ment, the advisory council shall submit an initial report on its*
5 *activities, which shall include its views and recommenda-*
6 *tions on—*

7 *(1) the feasibility and desirability of extending*
8 *merit policies and standards to additional Federal-State*
9 *grant-in-aid programs;*

10 *(2) the feasibility and desirability of extending*
11 *merit policies and standards to grant-in-aid programs of*
12 *a Federal-local character;*

13 *(3) appropriate standards for merit personnel ad-*
14 *ministration, where applicable, including those established*
15 *by regulations with respect to existing Federal grant-in-*
16 *aid programs; and*

17 *(4) the feasibility and desirability of financial and*
18 *other incentives to encourage State and local govern-*
19 *ments in the development of comprehensive systems of*
20 *personnel administration based on merit principles.*

21 *(c) In transmitting to the Congress reports of the ad-*
22 *visory council, the President shall submit to the Congress*
23 *proposals of legislation which he deems desirable to carry*
24 *out the recommendations of the advisory council.*

1 *TITLE II—STRENGTHENING STATE AND*
2 *LOCAL PERSONNEL ADMINISTRATION*

3 *DECLARATION OF PURPOSE*

4 *SEC. 201. The purpose of this title is to assist State and*
5 *local governments to strengthen their staffs by improving*
6 *their personnel administration.*

7 *STATE GOVERNMENT AND STATEWIDE PROGRAMS AND*
8 *GRANTS*

9 *SEC. 202. (a) The United States Civil Service Com-*
10 *mission (hereinafter referred to as the “Commission”) is*
11 *authorized to make grants to a State for up to 75 per centum*
12 *(or, with respect to fiscal years commencing after the ex-*
13 *piration of three years following the effective date of the*
14 *grant provisions of this Act, for up to 50 per centum)*
15 *of the costs of developing and carrying out programs or*
16 *projects, on the certification of the Governor of that State*
17 *that the programs or projects contained within the State’s*
18 *application are consistent with the applicable principles set*
19 *forth in clauses (1)–(6) of the third paragraph of section 2*
20 *of this Act, to strengthen personnel administration in that*
21 *State government or in local governments of that State. The*
22 *authority provided by this section shall be employed in such a*
23 *manner as to encourage innovation and allow for diversity on*

1 the part of State and local governments in the design, execu-
2 tion, and management of their own systems of personnel
3 administration.

4 (b) An application for a grant shall be made at such
5 time or times, and contain such information, as the Com-
6 mission may prescribe. The Commission may make a grant
7 under subsection (a) of this section only if the application
8 therefor—

9 (1) provides for designation, by the Governor or
10 chief executive authority, of the State office that will
11 have primary authority and responsibility for the devel-
12 opment and administration of the approved program or
13 project at the State level;

14 (2) provides for the establishment of merit per-
15 sonnel administration where appropriate and the further
16 improvement of existing systems based on merit prin-
17 ciples;

18 (3) provides for specific personnel administration
19 improvement needs of the State government and, to the
20 extent appropriate, of the local governments in that
21 State, including State personnel administration services
22 for local governments;

23 (4) provides assurance that the making of a Fed-
24 eral Government grant will not result in a reduction in

1 *relevant State or local government expenditures or the*
2 *substitution of Federal funds for State or local funds*
3 *previously made available for these purposes; and*

4 *(5) sets forth clear and practicable actions for the*
5 *improvement of particular aspects of personnel admin-*
6 *istration such as—*

7 *(A) establishment of statewide personnel sys-*
8 *tems of general or special functional coverage to*
9 *meet the needs of urban, suburban, or rural govern-*
10 *mental jurisdictions that are not able to provide*
11 *sound career services, opportunities for advance-*
12 *ment, adequate retirement and leave systems, and*
13 *other career inducements to well-qualified profes-*
14 *sional, administrative, and technical personnel;*

15 *(B) making State grants to local governments*
16 *to strengthen their staffs by improving their person-*
17 *nel administration;*

18 *(C) assessment of State and local government*
19 *needs for professional, administrative, and technical*
20 *manpower, and the initiation of timely and appro-*
21 *priate action to meet such needs;*

22 *(D) strengthening one or more major areas of*
23 *personnel administration, such as recruitment and*

1 *selection, training and development, and pay admin-*
2 *istration;*

3 *(E) undertaking research and demonstration*
4 *projects to develop and apply better personnel ad-*
5 *ministration techniques, including both projects con-*
6 *ducted by State and local government staffs and*
7 *projects conducted by colleges or universities or*
8 *other appropriate nonprofit organizations under*
9 *grants or contracts;*

10 *(F) strengthening the recruitment, selection,*
11 *assignment, and development of handicapped per-*
12 *sons, women, and members of disadvantaged groups*
13 *whose capacities are not being utilized fully;*

14 *(G) training programs related directly to up-*
15 *grading within the agency for nonprofessional*
16 *employees who show promise of developing a capac-*
17 *ity for assuming professional responsibility;*

18 *(H) achieving the most effective use of scarce*
19 *professional, administrative, and technical man-*
20 *power; and*

21 *(I) increasing intergovernmental cooperation*
22 *in personnel administration, with respect to such*
23 *matters as recruiting, examining, pay studies, train-*
24 *ing, education, personnel interchange, manpower*
25 *utilization, and fringe benefits.*

LOCAL GOVERNMENT PROGRAMS AND GRANTS

SEC. 203. (a) *The Commission is authorized to make grants to a general local government, or a combination of general local governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local government or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen the personnel administration of such governments. Such a grant may not be made—*

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of personnel administration in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government concerned with

1 *respect to those aspects of personnel administration cov-*
2 *ered in the approved plan, it is submitting an applica-*
3 *tion; or*

4 *(2) after the State concerned has a statewide plan*
5 *which has been developed by an appropriate State agency*
6 *designated or established pursuant to State law which*
7 *provides such agency with adequate authority, adminis-*
8 *trative organization, and staffing to develop and adminis-*
9 *ter such a statewide plan, and to provide technical assist-*
10 *ance and other appropriate support in carrying out the*
11 *local components of the plan, and which provides proce-*
12 *dures insuring adequate involvement of officials of*
13 *affected local governments in the development and admin-*
14 *istration of such a statewide plan, unless the local gov-*
15 *ernment concerned has special, unique, or urgent prob-*
16 *lems which are not met by the approved statewide plan*
17 *and for which it submits an application for funds to be*
18 *distributed under section 506(a).*

19 *Upon the request of a Governor or chief executive authority,*
20 *a grant to a general local government or combination of such*
21 *governments in that State may not be made during a period*
22 *not to exceed ninety days commencing with the date provided*
23 *in section 513, or the date on which official regulations for*
24 *this Act are promulgated, whichever date is later: Provided,*
25 *That the request of the Governor or chief executive author-*

1 *ity indicates that he is developing a plan under (1) above,*
2 *or during a period not to exceed one hundred and eighty days*
3 *commencing with the date provided in section 513, or the*
4 *date on which official regulations for this Act are promul-*
5 *gated, whichever date is later, provided the request of the*
6 *Governor or chief executive authority indicates that he is*
7 *developing a statewide plan under (2) above.*

8 *(b) An application for a grant from a general local*
9 *government or a combination of general local governments*
10 *shall be made at such time or times and shall contain such*
11 *information as the Commission may prescribe. The Commis-*
12 *sion may make a grant under subsection (a) of this section*
13 *only if the application therefor meets requirements similar*
14 *to those established in section 202(b) of this Act for a*
15 *State application for a grant, unless any such requirement is*
16 *specifically waived by the Commission, and the requirements*
17 *of subsection (c) of this section. Such a grant may cover*
18 *the costs of developing the program or project covered by*
19 *the application. The Commission may make grants to general*
20 *local governments, or combinations of such governments, that*
21 *serve a population of less than fifty thousand, if it finds that*
22 *such grants will help meet essential needs in programs or*
23 *projects of national interest and will assist general local gov-*
24 *ernments experiencing special problems in personnel adminis-*
25 *tration related to such programs or projects.*

1 (c) An application to be submitted to the Commission
2 under subsection (b) of this section shall first be submitted
3 by the general local government or combination of such gov-
4 ernments to the Governor for review, comments, and recom-
5 mendations. The Governor may refer the application to the
6 State office designated under section 202(b)(1) of this Act
7 for review. Comments and recommendations (if any) made
8 as a result of the review, and a statement by the general
9 local government or combination of such governments that it
10 has considered the comments and recommendations of the
11 Governor shall accompany the application to the Commission.
12 The application need not be accompanied by the comments
13 and recommendations of the Governor if the general local
14 government or combination of such governments certifies to
15 the Commission that the application has been before the Gov-
16 ernor for review and comment for a period of sixty days
17 without comment by the Governor. An explanation in writing
18 shall be sent to the Governor of a State by the Commission
19 whenever the Commission does not concur with recommenda-
20 tions of the Governor in approving any local government
21 applications.

22 INTERGOVERNMENTAL COOPERATION IN RECRUITING AND
23 EXAMINING

24 SEC. 204. (a) The Commission may join, on a shared-
25 costs basis, with State and local governments in cooperative

1 *recruiting and examining activities under such procedures*
2 *and regulations as may jointly be agreed upon.*

3 *(b) The Commission also may, on the written request*
4 *of a State or local government and under such procedures as*
5 *may be jointly agreed upon, certify to such governments*
6 *from appropriate Federal registers the names of potential*
7 *employees. The State or local government making the re-*
8 *quest shall pay the Commission for the costs, as determined*
9 *by the Commission, of performing the service, and such pay-*
10 *ments shall be credited to the appropriation or fund from*
11 *which the expenses were or are to be paid.*

12 *TECHNICAL ASSISTANCE*

13 *SEC. 205. The Commission may furnish technical advice*
14 *and assistance, on request, to State and general local govern-*
15 *ments seeking to improve their systems of personnel admin-*
16 *istration. The Commission may waive, in whole or in part,*
17 *payments from such governments for the costs of furnishing*
18 *such assistance. All such payments shall be credited to the*
19 *appropriation or fund from which the expenses were or are*
20 *to be paid.*

21 *COORDINATION OF FEDERAL PROGRAMS*

22 *SEC. 206. The Commission, after consultation with other*
23 *agencies concerned, shall—*

24 *(1) coordinate the personnel administration support*

1 and technical assistance given to State and local govern-
2 ments and the support given State programs or projects
3 to strengthen local government personnel administration,
4 including the furnishing of needed personnel administra-
5 tion services and technical assistance, under authority of
6 this Act with any such support given under other Fed-
7 eral programs; and

(2) make such arrangements, including the collection, maintenance, and dissemination of data on grants for strengthening State and local government personnel administration and on grants to States for furnishing needed personnel administration services and technical assistance to local governments, as needed to avoid duplication and insure consistent administration of related Federal activities.

16 *INTERSTATE COMPACTS*

17 *SEC. 207. The consent of the Congress is hereby given*
18 *to any two or more States to enter into compacts or other*
19 *agreements, not in conflict with any law of the United*
20 *States, for cooperative efforts and mutual assistance (in-*
21 *cluding the establishment of appropriate agencies) in con-*
22 *nection with the development and administration of per-*
23 *sonnel and training programs for employees and officials of*
24 *State and local governments.*

TRANSFER OF FUNCTIONS

SEC. 208. (a) There are hereby transferred to the Commission all functions, powers, and duties of—

(1) the Secretary of Agriculture under section 10(e) (2) of the Food Stamp Act of 1964 (7 U.S.C. 2019(e) (2));

(2) the Secretary of Labor under—

(A) the Act of June 6, 1933, as amended (29 U.S.C. 49 et seq.); and

(B) section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1));

(3) the Secretary of Health, Education, and Welfare under—

(A) sections 134(a)(6) and 204(a)(6) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 (42 U.S.C. 2674(a)(6) and 2684(a)(6));

(B) section 303(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(6));

(C) sections 314(a)(2)(F) and (d)(2)(F) and 604(a)(8) of the Public Health Service Act (42 U.S.C. 246(a)(2)(F) and (d)(2)(F) and 291d(a)(8)); and

(D) sections 2(a)(5)(A), 402(a)(5)(A),

1 505(a)(3)(A), 1002(a)(5)(A), 1402(a)(5)
 2 (A), 1602(a)(5)(A), and 1902(a)(4)(A) of
 3 the Social Security Act (42 U.S.C. 302(a)(5)
 4 (A), 602(a)(5)(A), 705(a)(3)(A), 1202(a)
 5 (5)(A), 1352(a)(5)(A), 1382(a)(5)(A), and
 6 1396a(a)(4)(A); and

7 (4) any other department, agency, office, or officer
 8 (other than the President) under any other provision of
 9 law or regulation applicable to a program of grant-in-
 10 aid that specifically requires the establishment and main-
 11 tenance of personnel standards on a merit basis with
 12 respect to the program;
 13 insofar as the functions, powers, and duties relate to the
 14 prescription of personnel standards on a merit basis.

15 (b) The Commission shall—

16 (1) provide consultation and technical advice and
 17 assistance to State and local governments to aid them in
 18 complying with standards prescribed by the Commission
 19 under subsection (a) of this section; and

20 (2) advise Federal agencies administering pro-
 21 grams of grants or financial assistance as to the applica-
 22 tion of required personnel administration standards, and
 23 recommend and coordinate the taking of such actions
 24 by the Federal agencies as the Commission considers
 25 will most effectively carry out the purpose of this title.

1 (c) So much of the personnel, property, records, and
2 unexpended balances of appropriations, allocations, and other
3 funds of any Federal agency employed, used, held, available,
4 or to be made available in connection with the functions,
5 powers, and duties vested in the Commission by this section
6 as the Director of the Management and Budget shall deter-
7 mine shall be transferred to the Commission at such time or
8 times as the Director shall direct.

9 (d) Personnel standards prescribed by Federal agencies
10 under laws and regulations referred to in subsection (a) of
11 this section shall continue in effect until modified or super-
12 seded by standards prescribed by the Commission under
13 subsection (a) of this section.

14 (e) Any standards or regulations established pursuant
15 to the provisions of this section shall be such as to encourage
16 innovation and allow for diversity on the part of State and
17 local governments in the design, execution, and man-
18 agement of their own individual systems of personnel ad-
19 ministration.

20 (f) Nothing in this section or in section 202 or 203 of
21 this Act shall be construed to—

22 (1) authorize any agency or official of the Federal
23 Government to exercise any authority, direction, or con-
24 trol over the selection, assignment, advancement, reten-

1 *tion, compensation, or other personnel action with re-*
2 *spect to any individual State or local employee;*

3 (2) *authorize the application of personnel stand-*
4 *ards on a merit basis to the teaching personnel of edu-*
5 *cational institutions or school systems;*

6 (3) *prevent participation by employees or em-*
7 *ployee organizations in the formulation of policies and*
8 *procedures affecting the conditions of their employment,*
9 *subject to the laws and ordinances of the State or local*
10 *government concerned;*

11 (4) *require or request any State or local govern-*
12 *ment employee to disclose his race, religion, or national*
13 *origin, or the race, religion, or national origin, of any of*
14 *his forebears;*

15 (5) *require or request any State or local govern-*
16 *ment employee, or any person applying for employment*
17 *as a State or local government employee, to submit to*
18 *any interrogation or examination or to take any psycho-*
19 *logical test or any polygraph test which is designed to*
20 *elicit from him information concerning his personal re-*
21 *lationship with any person connected with him by blood*
22 *or marriage, or concerning his religious beliefs or prac-*
23 *tices, or concerning his attitude or conduct with respect*
24 *to sexual matters; or*

25 (6) *require or request any State or local govern-*

ment employee to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(g) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 301. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

SEC. 302. (a) In accordance with such conditions as may be prescribed by the head of the Federal agency concerned, a Federal agency may admit State and local government employees and officials to agency training programs established for Federal professional, administrative, or technical personnel.

(b) Federal agencies may waive, in whole or in part, payments from, or on behalf of, State and local governments for the costs of training provided under this section. Pay-

1 ments received by the Federal agency concerned for train-
 2 ing under this section shall be credited to the appropriation
 3 or fund used for paying the training costs.

4 (c) The Commission may use appropriations authorized
 5 by this Act to pay the initial additional developmental or
 6 overhead costs that are incurred by reason of admittance
 7 of State and local government employees to Federal training
 8 courses and to reimburse other Federal agencies for such
 9 costs.

10 GRANTS TO STATE AND LOCAL GOVERNMENTS FOR
 11 TRAINING

12 SEC. 303. (a) If in its judgment training is not ade-
 13 quately provided for under grant-in-aid or other statutes, the
 14 Commission is authorized to make grants to State and gen-
 15 eral local governments for up to 75 per centum (or, with re-
 16 spect to fiscal years commencing after the expiration of three
 17 years following the effective date of the grant provisions of
 18 this Act, for up to 50 per centum) of the costs of developing
 19 and carrying out programs, on the certification of the Gover-
 20 nor of that State, or the mayor or chief executive officer of
 21 the general local government, that the programs are con-
 22 sistent with the applicable principles set forth in clauses (1)-
 23 (6) of the third paragraph of section 2 of this Act, to train
 24 and educate their professional, administrative, and technical
 25 employees and officials. Such grants may not be used to cover

1 costs of full-time graduate-level study, provided for in sec-
2 tion 305 of this Act, or the costs of the construction or ac-
3 quisition of training facilities. The State and local govern-
4 ment share of the cost of developing and carrying out train-
5 ing and education plans and programs may include, but
6 shall not consist solely of, the reasonable value of facilities
7 and of supervisory and other personal services made available
8 by such governments. The authority provided by this section
9 shall be employed in such a manner as to encourage innova-
10 tion and allow for diversity on the part of State and local
11 governments in developing and carrying out training and
12 education programs for their personnel.

13 (b) An application for a grant from a State or general
14 local government shall be made at such time or times, and
15 shall contain such information, as the Commission may pre-
16 scribe. The Commission may make a grant under subsection
17 (a) of this section, only if the application therefor meets
18 requirements established by this subsection unless any re-
19 quirement is specifically waived by the Commission. Such
20 grant to a State, or to a general local government under sub-
21 section (c) of this section, may cover the costs of developing
22 the program covered by the application. The program cov-
23 ered by the application shall—

24 (1) provide for designation, by the Governor or
25 chief executive authority, of the State office that will

1 *have primary authority and responsibility for the devel-*
2 *opment and administration of the program at the State*
3 *level;*

4 *(2) provide, to the extent feasible, for coordination*
5 *with relevant training available under or supported by*
6 *other Federal Government programs or grants;*

7 *(3) provide for training needs of the State govern-*
8 *ment and of local governments in that State;*

9 *(4) provide, to the extent feasible, for intergovern-*
10 *mental cooperation in employee training matters, espe-*
11 *cially within metropolitan or regional areas; and*

12 *(5) provide assurance that the making of a Federal*
13 *Government grant will not result in a reduction in*
14 *relevant State or local government expenditures or the*
15 *substitution of Federal funds for State or local funds*
16 *previously made available for these purposes.*

17 *(c) A grant authorized by subsection (a) of this section*
18 *may be made to a general local government, or a combina-*
19 *tion of such governments, that serve a population of fifty*
20 *thousand or more, for up to 75 per centum (or, with respect to*
21 *fiscal years commencing after the expiration of three years*
22 *following the effective date of the grant provisions of this*
23 *Act, for up to 50 per centum) of the costs of developing and*
24 *carrying out programs or projects, on the certification of*
25 *the mayor(s), or chief executive officer(s), of the general local*

1 *government or combination of local governments that the*
2 *programs or projects are consistent with the applicable prin-*
3 *ciples set forth in clauses (1)–(6) of the third paragraph*
4 *of section 2 of this Act, to train and educate their professional,*
5 *administrative, and technical employees and officials. Such*
6 *a grant may not be made—*

7 *(1) if, at the time of submission of an application,*
8 *the State concerned has an approved plan which, with*
9 *the agreement of the particular local government con-*
10 *cerned, provides for strengthening one or more aspects of*
11 *training in that local government, unless the local gov-*
12 *ernment concerned has problems which are not met by*
13 *the previously approved plan and for which, with the*
14 *agreement of the State government concerned with re-*
15 *spect to those aspects of training covered in the approved*
16 *plan, it is submitting an application; or*

17 *(2) after the State concerned has a statewide plan*
18 *which has been developed by an appropriate State agency*
19 *designated or established pursuant to State law which*
20 *provides such agency with adequate authority, adminis-*
21 *trative organization, and staffing to develop and ad-*
22 *minister such a statewide plan, and to provide technical*
23 *assistance and other appropriate support in carrying out*
24 *the local components of the plan, and which provides*
25 *procedures insuring adequate involvement of officials of*

1 *affected local governments in the development and ad-*
2 *ministration of such a statewide plan, unless the local*
3 *government concerned has special, unique, or urgent*
4 *problems which are not met by the approved statewide*
5 *plan and for which it submits an application for funds*
6 *to be distributed under section 506(a).*

7 *Upon the request of a Governor or chief executive author-*
8 *ity, a grant to a general local government or combination of*
9 *such governments in that State may not be made during a*
10 *period not to exceed ninety days commencing with the date*
11 *provided in section 513, or the date on which official regu-*
12 *lations for this Act are promulgated, whichever date is later:*
13 *Provided, That the request of the Governor or chief execu-*
14 *tive authority indicates that he is developing a plan under*
15 *(1) above, or during a period not to exceed one hundred and*
16 *eighty days commencing with the date provided in section*
17 *513, or the date on which official regulations for this Act are*
18 *promulgated, whichever date is later, provided the request of*
19 *the Governor or chief executive authority indicates that he*
20 *is developing a statewide plan under (2) above. To be ap-*
21 *proved, an application for a grant under this subsection must*
22 *meet requirements similar to those established in subsection*
23 *(b) of this section for State applications, unless any such*
24 *requirement is specifically waived by the Commission, and the*
25 *requirements of subsection (d) of this section. The Commission*

1 may make grants to general local governments, or combina-
2 tions of such governments that serve a population of less than
3 fifty thousand if it finds that such grants will help meet
4 essential needs in programs or projects of national interest and
5 will assist general local governments experiencing special
6 needs for personnel training and education related to such
7 programs or projects.

8 (d) An application to be submitted to the Commission
9 under subsection (c) of this section shall first be submitted
10 by the general local government or combination of such gov-
11 ernments to the Governor for review, comments, and recom-
12 mendations. The Governor may refer the application to the
13 State office designated under section 303(b)(1) of this Act
14 for review. Comments and recommendations (if any) made
15 as a result of the review and a statement by the general local
16 government or combination of such governments that it has
17 considered the comments and recommendations of the Gover-
18 nor shall accompany the application to the Commission. The
19 application need not be accompanied by the comments and
20 recommendations of the Governor if the general local govern-
21 ment or combination of such governments certifies to the Com-
22 mission that the application has been before the Governor for
23 review and comment for a period of sixty days without com-
24 ment by the Governor. An explanation in writing shall be

1 *sent to the Governor of a State by the Commission whenever*
2 *the Commission does not concur with recommendations of the*
3 *Governor in approving any local government applications.*

4 *GRANTS TO OTHER ORGANIZATIONS*

5 *SEC. 304. (a) The Commission is authorized to make*
6 *grants to other organizations to pay up to 75 per centum*
7 *(or, with respect to fiscal years commencing after the expira-*
8 *tion of three years following the effective date of the grant*
9 *provisions of this Act, up to 50 per centum) of the costs*
10 *of providing training to professional, administrative, or*
11 *technical employees and officials of State or local govern-*
12 *ments if the Commission—*

13 *(1) finds that State or local governments have re-*
14 *quested the proposed program;*

15 *(2) determines that the capability to provide such*
16 *training does not exist, or is not readily available, within*
17 *the Federal or the State or local governments requesting*
18 *such program or within associations of State or local*
19 *governments, or if such capability does exist that such*
20 *government or association is not disposed to provide*
21 *such training; and*

22 *(3) approves the program as meeting such re-*
23 *quirements as may be prescribed by the Commission in*
24 *its regulations pursuant to this Act.*

1 (b) *For the purpose of this section "other organization"*
 2 *means—*

3 (1) *a national, regional, statewide, areawide, or*
 4 *metropolitan organization, representing member State or*
 5 *local governments;*

6 (2) *an association of State or local public officials;*
 7 *or*

8 (3) *a nonprofit organization one of whose principal*
 9 *functions is to offer professional advisory, research, de-*
 10 *velopment, educational or related services to govern-*
 11 *ments.*

12 GOVERNMENT SERVICE FELLOWSHIPS

13 SEC. 305. (a) *The Commission is authorized to*
 14 *make grants to State and general local governments to sup-*
 15 *port programs approved by the Commission for providing*
 16 *Government Service Fellowships for State and local govern-*
 17 *ment personnel. The grants may cover—*

18 (1) *the necessary costs of the fellowship recipient's*
 19 *books, travel, and transportation, and such related ex-*
 20 *penses as may be authorized by the Commission;*

21 (2) *reimbursement to the State or local govern-*
 22 *ment for not to exceed one-fourth of the salary of each*
 23 *fellow during the period of the fellowship; and*

24 (3) *payment to the educational institutions in-*

1 *involved of such amounts as the Commission determines*
2 *to be consistent with prevailing practices under com-*
3 *parable federally supported programs for each fellow,*
4 *less any amount charged the fellow for tuition and*
5 *nonrefundable fees and deposits.*

6 *(b) Fellowships awarded under this section may not*
7 *exceed two years of full-time graduate-level study for pro-*
8 *fessional, administrative, and technical employees. The regu-*
9 *lations of the Commission shall include eligibility criteria*
10 *for the selection of fellowship recipients by State and local*
11 *governments.*

12 *(c) The State or local government concerned shall—*

13 *(1) select the individual recipients of the fellow-*
14 *ships;*

15 *(2) during the period of the fellowship, continue*
16 *the full salary of the recipient and normal employment*
17 *benefits such as credit for seniority, leave accrual, retire-*
18 *ment, and insurance; and*

19 *(3) make appropriate plans for the utilization and*
20 *continuation in public service of employees completing*
21 *fellowships and outline such plans in the application for*
22 *the grant.*

23 *COORDINATION OF FEDERAL PROGRAMS*

24 *SEC. 306. The Commission, after consultation with other*
25 *agencies concerned, shall—*

26 *(1) prescribe regulations concerning administration*

1 of training for employees and officials of State and local
2 governments provided for in this title, including require-
3 ments for coordination of and reasonable consistency in
4 such training programs;

5 (2) coordinate the training support given to State
6 and local governments under authority of this Act with
7 training support given such governments under other
8 Federal programs; and

9 (3) make such arrangements, including the collec-
10 tion and maintenance of data on training grants and pro-
11 grams, as may be necessary to avoid duplication of pro-
12 grams providing for training and to insure consistent
13 administration of related Federal training activities, with
14 particular regard to title IX of the Higher Education
15 Act of 1965.

16 *TITLE IV—MOBILITY OF FEDERAL, STATE,*
17 *AND LOCAL EMPLOYEES*

18 *DECLARATION OF PURPOSE*

19 *SEC. 401. The purpose of this title is to provide for the*
20 *temporary assignment of personnel between the Federal*
21 *Government and State and local governments and institutions*
22 *of higher education.*

23 *AMENDMENTS TO TITLE 5, UNITED STATES CODE*

24 *SEC. 402. (a) Chapter 33 of title 5, United States Code,*
25 *is amended by inserting the following new subchapter at the*
26 *end thereof:*

1 “SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

2 “§ 3371. *Definitions*

3 “For the purpose of this subchapter—

4 “(1) ‘State’ means—

5 “(A) a State of the United States, the District
6 of Columbia, the Commonwealth of Puerto Rico, and
7 a territory or possession of the United States; and

8 “(B) an instrumentality or authority of a State
9 or States as defined in subparagraph (A) of this
10 paragraph (1) and a Federal-State authority or
11 instrumentality; and

12 “(2) ‘local government’ means—

13 “(A) any political subdivision, instrumentality,
14 or authority of a State or States as defined in sub-
15 paragraph (A) of paragraph (1); and

16 “(B) any general or special purpose agency of
17 such a political subdivision, instrumentality, or
18 authority.

19 “§ 3372. *General provisions*

20 “(a) On request from or with the concurrence of a
21 State or local government, and with the consent of the em-
22 ployee concerned, the head of an executive agency may
23 arrange for the assignment of—

24 “(1) an employee of his agency to a State or local
25 government; and

1 “(2) an employee of a State or local government
 2 to his agency;
 3 for work of mutual concern to his agency and the State or
 4 local government that he determines will be beneficial to
 5 both. The period of an assignment under this subchapter may
 6 not exceed two years. However, the head of an executive
 7 agency may extend the period of assignment for not more
 8 than two additional years.

9 “(b) This subchapter is authority for and applies to the
 10 assignment of—

11 “(1) an employee of an executive agency to an
 12 institution of higher education; and

13 “(2) an employee of an institution of higher educa-
 14 tion to an executive agency.

15 “§ 3373. Assignment of employees to State and local gov-
 16 ernments

17 “(a) An employee of an executive agency assigned to
 18 a State or local government under this subchapter is deemed,
 19 during the assignment, to be either—

20 “(1) on detail to a regular work assignment in his
 21 agency; or

22 “(2) on leave without pay from his position in the
 23 agency.

24 An employee assigned either on detail or on leave without
 25 pay remains an employee of his agency. The Federal Tort

1 *Claims Act and any other Federal tort liability statute apply*
2 *to an employee so assigned. The supervision of the duties of*
3 *an employee on detail may be governed by agreement*
4 *between the executive agency and the State or local govern-*
5 *ment concerned.*

6 “(b) *The assignment of an employee of an executive*
7 *agency either on detail or on leave without pay to a State*
8 *or local government under this subchapter may be made with*
9 *or without reimbursement by the State or local government*
10 *for the travel and transportation expenses to or from the place*
11 *of assignment and for the pay, or supplemental pay, or a*
12 *part thereof, of the employee during assignment. Any reim-*
13 *bursments shall be credited to the appropriation of the*
14 *executive agency used for paying the travel and trans-*
15 *portation expenses or pay.*

16 “(c) *For any employee so assigned and on leave with-*
17 *out pay—*

18 “(1) *if the rate of pay for his employment by the*
19 *State or local government is less than the rate of pay he*
20 *would have received had he continued in his regular*
21 *assignment in the agency, he is entitled to receive supple-*
22 *mental pay from the agency in an amount equal to the*
23 *difference between the State or local government rate*
24 *and the agency rate;*

25 “(2) *he is entitled to annual and sick leave to the*

1 same extent as if he had continued in his regular assign-
2 ment in the agency; and

3 “(3) he is entitled, notwithstanding other statutes—

4 “(A) to continuation of his insurance under
5 chapter 87 of this title, and coverage under chapter
6 89 of this title or other applicable authority, so long
7 as he pays currently into the Employee’s Life In-
8 surance Fund and the Employee’s Health Benefits
9 Fund or other applicable health benefits system
10 (through his employing agency) the amount of the
11 employee contributions;

12 “(B) to credit the period of his assignment un-
13 der this subchapter toward periodic step-increases,
14 retention, and leave accrual purposes, and, on pay-
15 ment into the Civil Service Retirement and Disabil-
16 ity Fund or other applicable retirement system of the
17 percentage of his State or local government pay, and
18 of his supplemental pay, if any, that would have
19 been deducted from a like agency pay for the
20 period of the assignment and payment by the execu-
21 tive agency into the fund or system of the amount
22 that would have been payable by the agency during
23 the period of the assignment with respect to a like
24 agency pay, to treat his service during that period as

1 *service of the type performed in the agency imme-*
2 *diately before his assignment; and*

3 *“(C) for the purpose of subchapter I of chapter*
4 *85 of this title, to credit the service performed during*
5 *the period of his assignment under this subchapter*
6 *as Federal service, and to consider his State or local*
7 *government pay (and his supplemental pay, if any)*
8 *as Federal wages. To the extent that the service*
9 *could also be the basis for entitlement to unemploy-*
10 *ment compensation under a State law, the employee*
11 *may elect to claim unemployment compensation on*
12 *the basis of the service under either the State law or*
13 *subchapter I of chapter 85 of this title.*

14 *However, an employee or his beneficiary may not receive*
15 *benefits referred to in subparagraphs (A) and (B) of this*
16 *paragraph (3), based on service during an assignment under*
17 *this subchapter for which the employee or, if he dies without*
18 *making such an election, his beneficiary elects to receive*
19 *benefits, under any State or local government retirement or*
20 *insurance law or program, which the Civil Service Commis-*
21 *sion determines to be similar. The executive agency shall*
22 *deposit currently in the Employee's Life Insurance Fund,*
23 *the Employee's Health Benefits Fund or other applicable*
24 *health benefits system, respectively, the amount of the Gov-*
25 *ernment's contributions on account of service with respect to*

1 *which employee contributions are collected as provided in*
2 *subparagraphs (A) and (B) of this paragraph (3).*

3 “(d)(1) *An employee so assigned and on leave with-*
4 *out pay who dies or suffers disability as a result of personal*
5 *injury sustained while in the performance of his duty during*
6 *an assignment under this subchapter shall be treated, for the*
7 *purpose of subchapter I of chapter 81 of this title, as though*
8 *he were an employee as defined by section 8101 of this title*
9 *who had sustained the injury in the performance of duty.*
10 *When an employee (or his dependents in case of death) en-*
11 *titled by reason of injury or death to benefits under subchap-*
12 *ter I of chapter 81 of this title is also entitled to benefits from*
13 *a State or local government for the same injury or death, he*
14 *(or his dependents in case of death) shall elect which bene-*
15 *fits he will receive. The election shall be made within one*
16 *year after the injury or death, or such further time as the*
17 *Secretary of Labor may allow for reasonable cause shown.*
18 *When made, the election is irrevocable unless otherwise pro-*
19 *vided by law.*

20 “(2) *An employee who elects to receive benefits from a*
21 *State or local government may not receive an annuity under*
22 *subchapter III of chapter 83 of this title and benefits from*
23 *the State or local government for injury or disability to him-*
24 *self covering the same period of time. This provision does*
25 *not—*

1 “(A) bar the right of a claimant to the greater
2 benefit conferred by either the State or local govern-
3 ment or subchapter III of chapter 83 of this title for
4 any part of the same period of time;

5 “(B) deny to an employee an annuity accruing to
6 him under subchapter III of chapter 83 of this title on
7 account of service performed by him; or

8 “(C) deny any concurrent benefit to him from the
9 State or local government on account of the death of
10 another individual.

11 “§ 3374. *Assignments of employees from State or local*
12 *governments*

13 “(a) An employee of a State or local government who
14 is assigned to an executive agency under an arrangement
15 under this subchapter may—

16 “(1) be appointed in the executive agency with-
17 out regard to the provisions of this title governing ap-
18 pointment in the competitive service for the agreed
19 period of the assignment; or

20 “(2) be deemed on detail to the executive agency.

21 “(b) An employee given an appointment is entitled to
22 pay in accordance with chapter 51 and subchapter III of
23 chapter 53 of this title or other applicable law, and is
24 deemed an employee of the executive agency for all pur-
25 poses except—

1 “(1) subchapter III of chapter 83 of this title or
2 other applicable retirement system;

3 “(2) chapter 87 of this title; and

4 “(3) chapter 89 of this title or other applicable
5 health benefits system unless his appointment results in
6 the loss of coverage in a group health benefits plan the
7 premium of which has been paid in whole or in part
8 by a State or local government contribution.

9 “(c) During the period of assignment, a State or local
10 government employee on detail to an executive agency—

11 “(1) is not entitled to pay from the agency;

12 “(2) is deemed an employee of the agency for the
13 purpose of chapter 73 of this title, sections 203, 205,
14 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905,
15 and 1913 of title 18, section 638a of title 31, and the
16 Federal Tort Claims Act and any other Federal tort
17 liability statute; and

18 “(3) is subject to such regulations as the President
19 may prescribe.

20 The supervision of the duties of such an employee may be
21 governed by agreement between the executive agency and
22 the State or local government concerned. A detail of a State
23 or local government employee to an executive agency may
24 be made with or without reimbursement by the executive

1 *agency for the pay, or a part thereof, of the employee during*
2 *the period of assignment.*

3 “(d) A State or local government employee who is
4 *given an appointment in an executive agency for the*
5 *period of the assignment or who is on detail to an executive*
6 *agency and who suffers disability or dies as a result of*
7 *personal injury sustained while in the performance of his*
8 *duty during the assignment shall be treated, for the purpose*
9 *of subchapter I of chapter 81 of this title, as though he*
10 *were an employee as defined by section 8101 of this title who*
11 *had sustained the injury in the performance of duty. When*
12 *an employee (or his dependents in case of death) entitled by*
13 *reason of injury or death to benefits under subchapter I of*
14 *chapter 81 of this title is also entitled to benefits from a State*
15 *or local government for the same injury or death, he (or his*
16 *dependents in case of death) shall elect which benefits he will*
17 *receive. The election shall be made within 1 year after the*
18 *injury or death, or such further time as the Secretary of*
19 *Labor may allow for reasonable cause shown. When made,*
20 *the election is irrevocable unless otherwise provided by law.*

21 “(e) If a State or local government fails to continue the
22 *employer's contribution to State or local government retire-*
23 *ment, life insurance, and health benefit plans for a State or*
24 *local government employee who is given an appointment in*
25 *an executive agency, the employer's contributions covering*

1 *the State or local government employee's period of assign-*
2 *ment, or any part thereof, may be made from the appropria-*
3 *tions of the executive agency concerned.*

4 **“§ 3375. Travel expenses**

5 *“(a) Appropriations of an executive agency are avail-*
6 *able to pay, or reimburse, a Federal or State or local gov-*
7 *ernment employee in accordance with—*

8 *“(1) subchapter I of chapter 57 of this title, for*
9 *the expenses of—*

10 *“(A) travel, including a per diem allowance,*
11 *to and from the assignment location;*

12 *“(B) a per diem allowance at the assignment*
13 *location during the period of the assignment; and*

14 *“(C) travel, including a per diem allowance,*
15 *while traveling on official business away from his*
16 *designated post of duty during the assignment when*
17 *the head of the executive agency considers the travel*
18 *in the interest of the United States;*

19 *“(2) section 5724 of this title, for the expenses of*
20 *transportation of his immediate family and of his house-*
21 *hold goods and personal effects to and from the assign-*
22 *ment location;*

23 *“(3) section 5724a(a)(1) of this title, for the*
24 *expenses of per diem allowances for the immediate family*
25 *of the employee to and from the assignment location;*

1 “(4) section 5724a(a)(3) of this title, for sub-
2 sistence expenses of the employee and his immediate
3 family while occupying temporary quarters at the as-
4 signment location and on return to his former post of
5 duty; and

6 “(5) section 5726(c) of this title, for the expenses
7 of nontemporary storage of household goods and per-
8 sonal effects in connection with assignment at an isolated
9 location.

10 “(b) Expenses specified in subsection (a) of this sec-
11 tion, other than those in paragraph (1)(C), may not be
12 allowed in connection with the assignment of a Federal or
13 State or local government employee under this subchapter,
14 unless and until the employee agrees in writing to complete
15 the entire period of his assignment or one year, whichever
16 is shorter, unless separated or reassigned for reasons beyond
17 his control that are acceptable to the executive agency con-
18 cerned. If the employee violates the agreement, the money
19 spent by the United States for these expenses is recoverable
20 from the employee as a debt due the United States. The
21 head of the executive agency concerned may waive in
22 whole or in part a right of recovery under this subsection
23 with respect to a State or local government employee on
24 assignment with the agency.

1 “(c) Appropriations of an executive agency are avail-
 2 able to pay expenses under section 5742 of this title with
 3 respect to a Federal or State or local government employee
 4 assigned under this subchapter.

5 “§ 3376. Regulations

6 “The President may prescribe regulations for the ad-
 7 ministration of this subchapter.”

8 (b) The analysis of chapter 33 of title 5, United States
 9 Code, is amended by inserting the following at the end
 10 thereof:

 “SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

 “Sec.

 “3371. Definitions.

 “3372. General provisions.

 “3373. Assignments of employees to State or local governments.

 “3374. Assignments of employees from State or local governments.

 “3375. Travel expenses.

 “3376. Regulations.”

11 REPEAL OF SPECIAL AUTHORITIES

12 SEC. 403. The Act of August 2, 1956, as amended (7
 13 U.S.C. 1881-1888), section 553 of the Act of April 11,
 14 1965 as amended (20 U.S.C. 867), and section 314(f) of
 15 the Public Health Service Act (42 U.S.C. 246(f)) (less
 16 applicability to commissioned officers of the Public Health
 17 Service) are hereby repealed.

18 SEC. 404. This title shall become effective sixty days
 19 after the date of enactment of this Act.

1 *TITLE V—GENERAL PROVISIONS*2 *DECLARATION OF PURPOSE*

3 *SEC. 501. The purpose of this title is to provide for the*
4 *general administration of titles I, II, III, and V of this Act*
5 *(hereinafter referred to as “this Act”), and to provide for*
6 *the establishment of certain advisory committees.*

7 *DEFINITIONS*

8 *SEC. 502. For the purpose of this Act—*

9 (1) “Commission” means the United States Civil
10 *Service Commission;*

11 (2) “Federal agency” means an executive depart-
12 *ment, military department, independent establishment,*
13 *or agency in the executive branch of the Government of*
14 *the United States, including Government owned or con-*
15 *trolled corporations;*

16 (3) “State” means a State of the United States, the
17 *District of Columbia, the Commonwealth of Puerto Rico,*
18 *and a territory or possession of the United States, and*
19 *includes interstate and Federal-interstate agencies but*
20 *does not include the governments of the political sub-*
21 *divisions of a State; and*

22 (4) “local government” means a city, town, county,
23 *or other subdivision or district of a State, including*
24 *agencies, instrumentalities, and authorities of any of the*

1 *foregoing and any combination of such units or com-*
2 *bination of such units and a State. A “general local gov-*
3 *ernment” means a city, town, county, or comparable*
4 *general-purpose political subdivision of a State.*

5 *GENERAL ADMINISTRATIVE PROVISIONS*

6 *SEC. 503. (a) Unless otherwise specifically provided,*
7 *the Commission shall administer this Act.*

8 *(b) The Commission shall furnish such advice and*
9 *assistance to State and local governments as may be neces-*
10 *sary to carry out the purposes of this Act.*

11 *(c) In the performance of, and with respect to, the*
12 *functions, powers, and duties vested in it by this Act, the*
13 *Commission may—*

14 *(1) issue such standards and regulations as may be*
15 *necessary to carry out the purposes of this Act;*

16 *(2) consent to the modification of any contract en-*
17 *tered into pursuant to this Act, such consent being sub-*
18 *ject to any specific limitations of this Act;*

19 *(3) include in any contract made pursuant to this*
20 *Act such covenants, conditions, or provisions as it deems*
21 *necessary to assure that the purposes of this Act will be*
22 *achieved; and*

23 *(4) utilize the services and facilities of any Federal*
24 *agency, any State or local government, and any other*

1 *public or nonprofit agency or institution, on a reimburs-*
2 *able basis or otherwise, in accordance with agreements*
3 *between the Commission and the head thereof.*

4 *(d) In the performance of, and with respect to the*
5 *functions, powers, and duties vested in it by this Act, the*
6 *Commission—*

7 *(1) may collect information from time to time with*
8 *respect to State and local government training programs*
9 *and personnel administration improvement programs and*
10 *projects under this Act, and make such information*
11 *available to interested groups, organizations, or agen-*
12 *cies, public or private;*

13 *(2) may conduct such research and make such eval-*
14 *uation as needed for the efficient administration of this*
15 *Act;*

16 *(3) shall include in its annual report a report of*
17 *the administration of this Act; and*

18 *(4) shall make such arrangements as may be neces-*
19 *sary to avoid duplication of programs providing for*
20 *training and to insure consistent administration of the re-*
21 *lated Federal training activities, with particular regard*
22 *to title I of the Higher Education Act of 1965.*

23 *(e) The provisions of this Act are not a limitation on*
24 *existing authorities under other statutes but are in addition*

1 to any such authorities, unless otherwise specifically pro-
2 vided in this Act.

3 REPORTING REQUIREMENTS

4 SEC. 504. (a) A State or local government office desig-
5 nated to administer a program or project under this Act shall
6 make reports and evaluations in such form, at such times,
7 and containing such information concerning the status and
8 application of Federal funds and the operation of the ap-
9 proved program or project as the Commission may require,
10 and shall keep and make available such records as may be
11 required by the Commission for the verification of such
12 reports and evaluations.

13 (b) An organization which receives a training grant
14 under section 304 of this Act shall make reports and
15 evaluations in such form, at such times, and containing such
16 information concerning the status and application of Federal
17 grant funds and the operation of the training program as the
18 Commission may require, and shall keep and make available
19 such records as may be required by the Commission for the
20 verification of such reports and evaluations.

21 REVIEW AND AUDIT

22 SEC. 505. The Commission, the head of the Federal
23 agency concerned, and the Comptroller General of the United
24 States, or any of their duly authorized representatives, shall

1 have access, for the purpose of audit and examination, to
2 any books, documents, papers, and records of a grant recip-
3 ient that are pertinent to the grant received.

4 DISTRIBUTION OF GRANTS

5 SEC. 506. (a) The Commission shall allocate 20 per
6 centum of the total amount available for grants under this
7 Act in such manner as will most nearly provide an equitable
8 distribution of the grants among States and between State
9 and local governments, taking into consideration such factors
10 as the size of the population, number of employees affected,
11 the urgency of the programs or projects, the need for funds
12 to carry out the purposes of this Act, and the potential of
13 the governmental jurisdictions concerned to use the funds
14 most effectively.

15 (b) (1) The Commission shall allocate 80 per centum of
16 the total amount available for grants under this Act among
17 the States on a weighted formula taking into consideration
18 such factors as the size of population and the number of State
19 and local government employees affected.

20 (2) The amount allocated for each State under para-
21 graph (1) of this subsection shall be further allocated by the
22 Commission to meet the needs of both the State government
23 and the local governments within the State on a weighted
24 formula taking into consideration such factors as the number
25 of State and local government employees and the amount of

1 *State and local government expenditures. The Commission*
2 *shall determine the categories of employees and expenditures*
3 *to be included or excluded, as the case may be, in the number*
4 *of employees and amount of expenditures. The minimum*
5 *allocation for meeting needs of local governments in each*
6 *State (other than the District of Columbia) shall be 50 per*
7 *centum of the amount allocated for the State under paragraph*
8 *(1) of this subsection.*

9 (3) *The amount of any allocation under paragraph*
10 *(2) of this subsection which the Commission determines, on*
11 *the basis of information available to it, will not be used to*
12 *meet needs for which allocated shall be available for use to meet*
13 *the needs of the State government or local governments in that*
14 *State, as the case may be, on such date or dates as the Com-*
15 *mission may fix.*

16 (4) *The amount allocated for any State under para-*
17 *graph (1) of this subsection which the Commission deter-*
18 *mines, on the basis of information available to it, will not be*
19 *used shall be available for reallocation by the Commission*
20 *from time to time, on such date or dates as it may fix, among*
21 *other States with respect to which such a determination has not*
22 *been made, in accordance with the formula set forth in para-*
23 *graph (1) of this subsection, but with such amount for any of*
24 *such other States being reduced to the extent it exceeds the*
25 *sum the Commission estimates said State needs and will be*

1 able to use; and the total of such reductions shall be similarly
 2 reallocated among the States whose proportionate amounts
 3 were not so reduced.

4 (5) For the purposes of this subsection, "State" means
 5 the several States of the United States and the District of
 6 Columbia.

7 (c) Notwithstanding the other provisions of this section,
 8 the total of the payments from the appropriations for any
 9 fiscal year under this Act made with respect to programs
 10 or projects in any one State may not exceed an amount equal
 11 to $12\frac{1}{2}$ per centum of such appropriation.

12 TERMINATION OF GRANTS

13 SEC. 507. Whenever the Commission, after giving rea-
 14 sonable notice and opportunity for hearing to the State or
 15 general local government concerned, finds—

16 (1) that a program or project has been so changed
 17 that it no longer complies with the provisions of this
 18 Act; or

19 (2) that in the operation of the program or project
 20 there is a failure to comply substantially with any such
 21 provision;

22 the Commission shall notify the State or general local gov-
 23 ernment of its findings and no further payments may be
 24 made to such government by the Commission until it is satis-
 25 fied that such noncompliance has been, or will promptly be,
 26 corrected. However, the Commission may authorize the con-

1 *tinuance of payments to those projects approved under this*
2 *Act which are not involved in the noncompliance.*

3 *ADVISORY COMMITTEES*

4 *SEC. 508. (a) The Commission may appoint, without*
5 *regard to the provisions of title 5, United States Code, gov-*
6 *erning appointments in the competitive service, such advisory*
7 *committee or committees as it may determine to be necessary*
8 *to facilitate the administration of this Act.*

9 *(b) Members of advisory committees who are not regu-*
10 *lar full-time employees of the United States, while serving on*
11 *the business of the committees including traveltime may re-*
12 *ceive compensation at rates not exceeding the daily rate for*
13 *GS-18; and while so serving away from their homes or*
14 *regular places of business may be allowed travel expenses,*
15 *including per diem in lieu of subsistence, as authorized by*
16 *section 5703 of title 5, United States Code, for individuals in*
17 *the Government service employed intermittently.*

18 *APPROPRIATION AUTHORIZATION*

19 *SEC. 509. There are authorized to be appropriated,*
20 *without fiscal year limitation, such sums as may be necessary*
21 *to carry out the programs authorized by this Act.*

22 *REVOLVING FUND*

23 *SEC. 510. Section 1304(e) of title 5, United States*
24 *Code (relating to the revolving fund of the Civil Service*
25 *Commission), is amended—*

1 (1) by striking out “of \$4,000,000” in paragraph
2 (1); and

3 (2) by inserting “, which appropriations are hereby
4 authorized” immediately before the semicolon at the end
5 of paragraph (2)(A).

6 LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST

7 *SHARING*

8 *SEC. 511. Federal funds made available to State or*
9 *local governments under other programs may not be used*
10 *by the State or local government for cost-sharing purposes*
11 *under grant provisions of this Act, except that Federal funds*
12 *of a program financed wholly by Federal funds may be used*
13 *to pay a pro-rata share of such cost sharing. State or local*
14 *government funds used for cost sharing on other federally*
15 *assisted programs may not be used for cost sharing under*
16 *grant provisions of this Act.*

17 *METHOD OF PAYMENT*

18 *SEC. 512. Payments under this Act may be made in*
19 *installments, and in advance or by way of reimbursement,*
20 *as the Commission may determine, with necessary adjust-*
21 *ments on account of overpayments or underpayments.*

1 EFFECTIVE DATE OF GRANT PROVISIONS

2 *SEC. 513. Grant provisions of this Act shall become*
3 *effective one hundred and eighty days following the date*
4 *of enactment of this Act.*

Passed the Senate October 27, 1969.

Attest: FRANCIS R. VALEO,
Secretary.

AN ACT

To reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government and State and local governments, and for other purposes.

OCTOBER 28, 1969

Referred to the Committee on Education and Labor

DECEMBER 14, 1970

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 21, 1970
91st-2nd; No. 206

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HIGHLIGHTS: Senate committee reported Voyageurs National Park bill.
Both Houses accepted D. C. Revenue conference report.
Conferees filed report on potato and tomato promotion bill.
House passed resolution extending proclamation of tobacco marketing quotas.
Rep. Poage explained most significant disagreements in Senate- and House-passed food stamp amendments.

HOUSE

BILLS REPORTED.
Conferees filed a report on S. 1181, providing for potato and tomato promotion programs (H. Rept. 91-1790). pp. H12217-20, H12249

2. TOBACCO. Passed without amendment S. J. Res. 249 (in lieu of H. J. Res. 1415), extending the time for proclamation of marketing quotas for burley tobaccos for the 3 marketing years beginning October 1, 1971. This bill now goes to the President. p. H12174
3. FOOD STAMPS. Rep. Poage explained the position of the House conferees on the food stamp bill with regard to the two major items of disagreement. pp. H12248
4. PERSONNEL. Passed under suspension of the rules S. 11, with amendment, proposed Intergovernmental Personnel Act of 1970. p. H12179-91

SENATE

5. BILLS REPORTED.

Committee on Interior and Insular Affairs reported the following bills:

H. R. 19342, establishing the Chesapeake & Ohio Canal National Historical Park (S. Rept. 91-1512)

H. R. 10482, with amendments, establishing the Voyageurs National Park (S. Rept. 91-1513); and

H. R. 10874, with amendment, establishing the Gulf Islands National Seashore (S. Rept. 91-1514). p. S20095

6. FLOOR ACTION.

Both Houses accepted the conference report on H. R. 19885, the D. C.

Revenue bill. This bill now goes to the President. pp. H12177-8, S20948
Agreed to S. Con. Res. 87, providing for the adjournment of Congress from c.o.b. on Tuesday, Dec. 22, until noon, Monday, Dec. 28. p. S20938

Agreed to the House amendments to S. 4106, establishing a National Health Service Corps to provide improved health care in rural and urban poverty areas. This bill now goes to the President. pp. S20934-7

Continued consideration of H. R. 17550, the proposed Social Security amendments. pp. S20938-51

Failed to override the Presidential veto of S. 3867, manpower training bill. pp. S20966-91

7. RESEARCH FACILITIES. Received a report from the Director of Science and Education, USDA, on facilities for research at State Agricultural Experiment Stations as of June 30, 1971; to the Committee on Agriculture and Forestry. p. S20995

8. SEN. HOLLAND. Several Senators inserted additional tributes to Sen. Holland. pp. S21001-2, S21013, S21014

9. NATIONAL PARK. Sen. Yarborough praised Senate passage of the Big Thicket National Park bill and included material on the proposed Park. pp. S21023-5

BILLS INTRODUCED

10. INSPECTION. S. 4598, by Sen. Bellmon, to amend the Act of August 28, 1950, enabling the Secretary of Agriculture to furnish, upon a reimbursable basis, certain inspection services involving overtime work; to the Committee on Agriculture and Forestry.

repeat the new membership requirement of this Board or Commission?

Mr. STAGGERS. I am sorry, I made a mistake. The Secretary of the Treasury shall designate one member and the Federal Reserve Board shall designate one member, two are to be appointed by the President as members of the public, and three are to be appointed by the President as representatives or members from industry.

Mr. GROSS. So it is now a 4-to-3 Board?

Mr. STAGGERS. That is right.

Mr. GROSS. I assume that most of the so-called members of whom the gentleman speaks have heavy financial interests someplace, somewhere. Did the gentleman say the Secretary of the Treasury appoints one and the Federal Reserve Board appoints one? The banking industry then will be well represented.

Mr. STAGGERS. We felt that we had to have some assurance in the legislation that these are two knowledgeable men. They will be public members who will be appointed from this group. They will not be the heads of either of the exchanges, but they will be men appointed from the securities industry, and also the President will appoint the industry men.

Mr. GROSS. There are no farmers on this Board?

Mr. STAGGERS. No, sir; I would hope not.

Mr. GROSS. Is there something wrong with putting a farmer on a board of this kind?

Mr. STAGGERS. The only thing is, I would think the gentlemen who would be on this Board would have to have some knowledge about what is going on in the securities market.

Mr. GROSS. I do not think they would have to have very much expertise because 110 broker-investment firms passed out of the picture in the last 2 years. I think just about anybody could do as well as some have done to bring order out of the chaos in the stock exchange.

Mr. STAGGERS. I would say to the gentleman I think it is wise for the President to pick seven men who are knowledgeable, and he even picks the three industry men himself, so all of the seven are picked in this way.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

(Mr. SPRINGER asked and was given permission to revise and extend his remarks.)

Mr. SPRINGER. Mr. Speaker, the bill which the conferees bring back to you for approval is so much the bill which you passed a few days ago that it merits little comment or discussion. Most of the changes were designed only to enhance or specify the intent of the House bill. For the benefit of Members who may be interested in these various changes I submit herewith a list of the things which were settled by the conference.

The differences between the two bills were resolved in the conference as follows:

First. The Senate bill had a predominantly public Board of Directors while

the House bill provided an industry board which became dominated by public members when public money became involved.

The conference agreed upon a Board of Directors composed of the following: two government members; five public members of whom three will be from industry.

Second. The 1-percent ceiling on assessments imposed by the House bill is modified only to indicate that the amounts over one-half of 1 percent will only be assessed when the industry can stand it. This is consistent with the intent of the House-passed measure.

Third. An exemption from the affect of the act on income from handling Treasury securities was eliminated to avoid an unfair advantage to certain such dealers over others handling the same items.

In determining what revenues must be included as gross revenues for purposes of assessments under the act both SEC and the Corporation will have exemptive powers to prevent inequities.

Fourth. The \$50,000 coverage of the act was changed to specify that only \$20,000 of such claim may be for cash.

Fifth. The authority of the SEC was expanded to require rules which should protect customers' property more fully.

Sixth. A study of industry practices was added.

Seventh. Minimum assessments which were \$250 in the House bill were lowered to \$150.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

INTERGOVERNMENTAL PERSONNEL ACT OF 1970

Mrs. GREEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (S. 11) to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government and State and local governments, and for other purposes, as amended.

The Clerk read as follows:

S. 11

That this Act may be cited as the "Intergovernmental Personnel Act of 1970".

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

That effective State and local governmental institutions are essential in the maintenance and development of the federal system in an increasingly complex and interdependent society.

That, since numerous governmental activities administered by the State and local governments are related to national purpose and are financed in part by Federal funds, a national interest exists in a high caliber of public service in State and local governments.

That the quality of public service at all levels of government can be improved by the development of systems of personnel administration consistent with such merit principles as—

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

SEC. 3. The authorities provided by this Act shall be administered in such manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

DECLARATION OF PURPOSE

SEC. 101. The purpose of this title is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this Act.

ADVISORY COUNCIL

SEC. 102. (a) Within one hundred and eighty days following the date of enactment of this Act, the President shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an advisory council on intergovernmental personnel policy. The President may terminate the council at any time after the expiration of three years following its establishment.

(b) The advisory council of not to exceed fifteen members, shall be composed primarily of officials of the Federal Government and State and local governments, but shall also include members selected from educational and training institutions or organizations, public employee organizations, and the general public. At least half of the governmental members shall be officials of State and local governments. The President shall designate a Chairman and a Vice Chairman from among the members of the advisory council.

(c) It shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) improving the quality of public administration at State and local levels of gov-

ernment, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

(d) Members of the advisory council who are not regular full-time employees of the United States, while serving on the business of the council, including travel time, may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business, all members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

REPORTS OF ADVISORY COUNCIL

SEC. 103. (a) The advisory council on intergovernmental personnel policy shall from time to time report to the President and to the Congress its findings and recommendations.

(b) Not later than eighteen months after its establishment, the advisory council shall submit an initial report on its activities, which shall include its views and recommendations on—

(1) the feasibility and desirability of extending merit policies and standards to additional Federal-State grant-in-aid programs;

(2) the feasibility and desirability of extending merit policies and standards of grant-in-aid programs of a Federal-local character;

(3) appropriate standards for merit personnel administration, where applicable, including those established by regulations with respect to existing Federal grant-in-aid programs; and

(4) the feasibility and desirability of financial and other incentives to encourage State and local governments in the development of comprehensive systems of personnel administration based on merit principles.

(c) In transmitting to the Congress reports of the advisory council, the President shall submit to the Congress proposals of legislation which he deems desirable to carry out the recommendations of the advisory council.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

DECLARATION OF PURPOSE

SEC. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

SEC. 202. (a) The United States Civil Service Commission (hereinafter referred to as the "Commission") is authorized to make grants to a State for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects contained within the State's application are consistent with the applicable principles set forth in clauses (1)–(6) of

the third paragraph of section 2 of this Act, to strengthen personnel administration in that State government or in local governments of that State. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

(b) An application for a grant shall be made at such time or times, and contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor—

(1) provides for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the approved program or project at the State level;

(2) provides for the establishment of merit personnel administration where appropriate and the further improvement of existing systems based on merit principles;

(3) provides for specific personnel administration improvement needs of the State government and, to the extent appropriate, of the local governments in that State, including State personnel administration services for local governments;

(4) provides assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and

(5) sets forth clear and practicable actions for the improvement of particular aspects of personnel administration such as—

(A) establishment of statewide personnel systems of general or special functional coverage to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(B) making State grants to local governments to strengthen their staffs by improving their personnel administration;

(C) assessment of State and local government needs for professional, administrative, and technical manpower, and the initiation of timely and appropriate action to meet such needs;

(D) strengthening one or more major areas of personnel administration, such as recruitment and selection, training and development, and pay administration;

(E) undertaking research and demonstration projects to develop and apply better personnel administration techniques, including both projects conducted by State and local government staffs and projects conducted by colleges or universities or other appropriate nonprofit organizations under grants or contracts;

(F) strengthening the recruitment, selection, assignment, and development of handicapped persons, women, and members of disadvantaged groups whose capacities are not being utilized fully;

(G) training programs related directly to upgrading within the agency for nonprofessional employees who show promise of developing a capacity for assuming professional responsibility;

(H) achieving the most effective use of scarce professional, administrative, and technical manpower; and

(I) increasing intergovernmental cooperation in personnel administration, with respect to such matters as recruiting, examining, pay studies, training, education, personnel interchange, manpower utilization, and fringe benefits.

LOCAL GOVERNMENT PROGRAMS AND GRANTS

SEC. 203. (a) The Commission is authorized to make grants to a general local government, or a combination of general local governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local government or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen the personnel administration of such governments. Such a grant may not be made—

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of personnel administration in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government concerned with respect to those aspects of personnel administration covered in the approved plan, it is submitting an application; or

(2) after the State concerned has a statewide plan which has been developed by an appropriate State agency designated or established pursuant to State law which provides such agency with adequate authority, administrative organization, and staffing to develop and administer such a statewide plan, and to provide technical assistance and other appropriate support in carrying out the local components of the plan, and which provides procedures insuring adequate involvement of officials of affected local governments in the development and administration of such a statewide plan, unless the local government concerned has special, unique, or urgent problems which are not met by the approved statewide plan and for which it submits an application for funds to be distributed under section 506(a).

Upon the request of a Governor or chief executive authority, a grant to a general local government or combination of such governments in that State may not be made during a period not to exceed ninety days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later: *Provided*, That the request of the Governor or chief executive authority indicates that he is developing a plan under (1) above, or during a period not to exceed one hundred and eighty days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later, provided the request of the Governor or chief executive authority indicates that he is developing a statewide plan under (2) above.

(b) An application for a grant from a general local government or a combination of general local governments shall be made at such time or times and shall contain such information as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor meets requirements similar to those established in section 202(b) of this Act for a State application for a grant, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (c) of this section. Such a grant may cover the costs of developing the program or project covered by the application. The Commission may make grants to general local governments, or combinations

of such governments, that serve a population of less than fifty thousand, if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special problems in personnel administration related to such programs or projects.

(c) An application to be submitted to the Commission under subsection (b) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review, comments, and recommendations. The Governor may refer the application to the State office designated under section 202(b) (1) of this Act for review. Comments and recommendations (if any) made as a result of the review, and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor shall accompany the application to the Commission. The application need not be accompanied by the comments and recommendations of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and comment for a period of sixty days without comment by the Governor. An explanation in writing shall be sent to the Governor of a State by the Commission whenever the Commission does not concur with recommendations of the Governor in approving any local government applications.

INTERGOVERNMENTAL COOPERATION IN RECRUITING AND EXAMINING

SEC. 204. (a) The Commission may join, on a shared-costs basis, with State and local governments in cooperatives recruiting and examining activities under such procedures and regulations as may jointly be agreed upon.

(b) The Commission also may, on the written request of a State or local government and under such procedures as may be jointly agreed upon, certify to such governments from appropriate Federal registers the names of potential employees. The State or local government making the request shall pay the Commission for the costs, as determined by the Commission, of performing the service, and such payment shall be credited to the appropriation or fund from which the expenses were or are to be paid.

TECHNICAL ASSISTANCE

SEC. 205. The Commission may furnish technical advice and assistance, on request, to State and general local governments seeking to improve their systems of personnel administration. The Commission may waive, in whole or in part, payments from such governments for the costs of furnishing such assistance. All such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

COORDINATION OF FEDERAL PROGRAMS

SEC. 206. The Commission, after consultation with other agencies concerned, shall—

(1) coordinate the personnel administration support and technical assistance given to State and local governments and the support given State programs or projects to strengthen local government personnel administration, including the furnishing of needed personnel administration services and technical assistance, under authority of this Act with any such support given under other Federal programs; and

(2) make such arrangements, including the collection, maintenance, and dissemination of data on grants for strengthening State and local government personnel administration and on grants to States for furnishing needed personnel administration services and technical assistance to local governments, as needed to avoid duplication and insure consistent administration of related Federal activities.

INTERSTATE COMPACTS

SEC. 207. The consent of the Congress is hereby given to any two or more States to enter into compacts or other agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance (including the establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of State and local governments.

TRANSFER OF FUNCTIONS

SEC. 208. (a) There are hereby transferred to the Commission all functions, powers, and duties of—

(1) the Secretary of Agriculture under section 10(e) (2) of the Food Stamp Act of 1964 (7 U.S.C. 2019(e) (2));

(2) the Secretary of Labor under—

(A) the Act of June 6, 1933, as amended (29 U.S.C. 49 et seq.); and

(B) section 303(a) (1) of the Social Security Act (42 U.S.C. 503(a) (1));

(3) the Secretary of Health, Education, and Welfare under—

(A) sections 134(a) (6) and 204(a) (6) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 (42 U.S.C. 2674(a) (6) and 2684(a) (6));

(B) section 303(a) (6) of the Older Americans Act of 1965 (42 U.S.C. 3023(a) (6));

(C) section 314(a) (2) (F) and (d) (2) (F) and 604(a) (8) of the Public Health Service Act (42 U.S.C. 246(a) (2) (F) and (d) (2) (F) and 291d(a) (8)); and

(D) sections 2(a) (5) (A), 402(a) (5) (A), 505(a) (3) (A), 1002(a) (5) (A), 1402(a) (5) (A), 1602(a) (5) (A), and 1902(a) (4) (A) of the Social Security Act (42 U.S.C. 302(a) (5) (A), 602(a) (5) (A), 705(a) (3) (A), 1202(a) (5) (A), 1352(a) (5) (A), 1382(a) (5) (A), and 1396a(a) (4) (A); and

(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grant-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program; insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) The Commission shall—

(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed by the Commission under subsection (a) of this section; and

(2) advise Federal agencies administering programs of grants or financial assistance as to the application of required personnel administration standards, and recommend and coordinate the taking of such actions by the Federal agencies as the Commission considers will most effectively carry out the purpose of this title.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of any Federal agency employed, used, held, available, or to be made available in connection with the functions, powers, and duties vested in the Commission by this section as the Director of the Management and Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

(d) Personnel standards prescribed by Federal agencies under laws and regulations referred to in subsection (a) of this section shall continue in effect until modified or superseded by standards prescribed by the Commission under subsection (a) of this section.

(e) Any standards or regulations established pursuant to the provisions of this section shall be such as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own in-

dividual systems of personnel administration.

(f) Nothing in this section or in section 202 or 203 of this Act shall be construed to—

(1) authorize any agency or official of the Federal Government to exercise any authority, direction, or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee;

(2) authorize the application of personnel standards on a merit basis to the teaching personnel of educational institutions or school systems;

(3) prevent participation by employees or employee organizations in the formulation of policies and procedures affecting the conditions of their employment, subject to the laws and ordinances of the State or local government concerned;

(4) require or request any State or local government employee to disclose his race, religion, or national origin, or the race, religion, or national origin, of any of his forebears;

(5) require or request any State or local government employee, or any person applying for employment as a State or local government employee, to submit to any interrogation or examination or to take any psychological test or any polygraph test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters; or

(6) require or request any State or local government employee to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(g) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 301. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

SEC. 302. (a) In accordance with such conditions as may be prescribed by the head of the Federal agency concerned, a Federal agency may admit State and local government employees and officials to agency training programs established for Federal professional, administrative, or technical personnel.

(b) Federal agencies may waive, in whole or in part, payments from, or on behalf of, State and local governments for the costs of training provided under this section. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

(c) The Commission may use appropriations authorized by this Act to pay the initial additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

SEC. 303. (a) If in its judgment training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and gen-

eral local governments for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs, on the certification of the Governor of that State, or the mayor or chief executive officer of the general local government, that the programs are consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such grants may not be used to cover costs of full-time graduate-level study, provided for in section 305 of this Act, or the costs of the construction or acquisition of training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in developing and carrying out training and education programs for their personnel.

(b) An application for a grant from a State or general local government shall be made at such time or times, and shall contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section, only if the application therefor meets requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grant to a State, or to a general local government under subsection (c) of this section, may cover the costs of developing the program covered by the application. The program covered by the application shall—

(1) provide for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the program at the State level;

(2) provide, to the extent feasible, for coordination with relevant training available under or supported by other Federal Government programs or grants;

(3) provide for training needs of the State government and of local governments in that State;

(4) provide, to the extent feasible, for intergovernmental cooperation in employee training matters, especially within metropolitan or regional areas; and

(5) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes.

(c) A grant authorized by subsection (a) of this section may be made to a general local government, or a combination of such governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local government or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such a grant may not be made—

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of training in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government concerned with respect to those aspects of training covered in the approved plan, it is submitting an application; or

(2) after the State concerned has a statewide plan which has been developed by an appropriate State agency designated or established pursuant to State law which provides such agency with adequate authority, administrative organization, and staffing to develop and administer such a statewide plan, and to provide technical assistance and other appropriate support in carrying out the local components of the plan, and which provides procedures insuring adequate involvement of officials of affected local governments in the development and administration of such a statewide plan, unless the local government concerned has special, unique, or urgent problems which are not met by the approved statewide plan and for which it submits an application for funds to be distributed under section 506(a).

Upon the request of a Governor or chief executive authority, a grant to a general local government or combination of such governments in that State may not be made during a period not to exceed ninety days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later: *Provided*, That the request of the Governor or chief executive authority indicates that he is developing a plan under (1) above, or during a period not to exceed one hundred and eighty days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later, provided the request of the Governor or chief executive authority indicates that he is developing a statewide plan under (2) above. To be approved, an application for a grant under this subsection must meet requirements similar to those established in subsection (b) of this section for State applications, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (d) of this section. The Commission may make grants to general local governments, or combinations of such governments that serve a population of less than fifty thousand if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special needs for personnel training and education related to such programs or projects.

(d) An application to be submitted to the Commission under subsection (c) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review, comments, and recommendations. The Governor may refer the application to the State office designated under section 303(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor shall accompany the application to the Commission. The application need not be accompanied by the comments and recommendations of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and comment for a period of sixty days without comment by the Governor. An ex-

planation in writing shall be sent to the Governor of a State by the Commission whenever the Commission does not concur with recommendations of the Governor in approving any local government applications.

GRANTS TO OTHER ORGANIZATIONS

SEC. 304. (a) The Commission is authorized to make grants to other organizations to pay up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, up to 50 per centum) of the costs of providing training to professional, administrative, or technical employees and officials of State or local governments if the Commission—

(1) finds that State or local governments have requested the proposed program;

(2) determines that the capability to provide such training does not exist, or is not readily available, within the Federal or the State or local governments requesting such program or within associations of State or local governments, or if such capability does exist that such government or association is not disposed to provide such training; and

(3) approves the program as meeting such requirements as may be prescribed by the Commission in its regulations pursuant to this Act.

(b) For the purpose of this section "other organization" means—

(1) a national, regional, statewide, area-wide, or metropolitan organization, representing member State or local governments;

(2) an association of State or local public officials; or

(3) a nonprofit organization one of whose principal functions is to offer professional advisory, research, development, educational or related services to governments.

GOVERNMENT SERVICE FELLOWSHIPS

SEC. 305. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government Service Fellowships for State and local government personnel. The grants may cover—

(1) the necessary costs of the fellowship recipient's books, travel, and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable federally supported programs for each fellow, less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.

(c) The State or local government concerned shall—

(1) select the individual recipients of the fellowships;

(2) during the period of the fellowship, continue the full salary of the recipient and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance; and

(3) make appropriate plans for the utilization and continuation in public service of employees completing fellowships and outline such plans in the application for the grant.

COORDINATION OF FEDERAL PROGRAMS

SEC. 306. The Commission, after consultation with other agencies concerned, shall—

(1) prescribe regulations concerning administration of training for employees and officials of State and local governments provided for in this title, including requirements for coordination of and reasonable consistency in such training programs;

(2) coordinate the training support given to State and local governments under authority of this Act with training support given such governments under other Federal programs; and

(3) make such arrangements, including the collection and maintenance of data on training grants and programs, as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities, with particular regard to title IX of the Higher Education Act of 1965.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 402. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"§ 3371. Definitions—

"For the purpose of this subchapter—

"(1) 'State' means—

"(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

"(2) 'local government' means—

"(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

"(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

"§ 3372. General provisions

"(a) On request from or with the concurrence of a State or local government, and with the consent of the employee concerned, the head of an executive agency may arrange for the assignment of—

"(1) an employee of his agency to a State or local government; and

"(2) an employee of a State or local government to his agency;

for work of mutual concern to his agency and the State or local government that he determines will be beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of an executive agency may extend the period of assignment for not more than two additional years.

"(b) This subchapter is authority for and applies to the assignment of—

"(1) an employee of an executive agency to an institution of higher education; and

"(2) an employee of an institution of higher education to an executive agency.

"§ 3373. Assignment of employees to State and local governments

"(a) An employee of an executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

"(1) on detail to a regular work assignment in his agency; or

"(2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the executive agency and the State or local government concerned.

"(b) The assignment of an employee of an executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay, or supplemental pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the executive agency used for paying the travel and transportation expenses or pay.

"(c) For any employee so assigned and on leave without pay—

"(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had he continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

"(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

"(3) he is entitled, notwithstanding other statutes—

"(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employee's Life Insurance Fund and the Employee's Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions;

"(B) to credit the period of his assignment under this subchapter toward periodic step-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat his service during that period as service of the type performed in the agency immediately before his assignment; and

"(C) for the purpose of subchapter I of chapter 85 of this title, to credit the service performed during the period of his assignment under this subchapter as Federal service, and to consider his State or local government pay (and his supplemental pay, if any) as Federal wages. To the extent that the service could also be the basis for entitlement to unemployment compensation under a State law, the employee may elect to claim unemployment compensation on the basis of the service under either the State law or subchapter I of chapter 85 of this title.

However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar.

The executive agency shall deposit currently in the Employee's Life Insurance Fund, the Employee's Health Benefits Fund or other applicable health benefits system, respectively, the amount of the Government's contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

"(d) (1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter III of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

"(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

"(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

"(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

"§ 3374. Assignments of employees from State or local governments

"(a) An employee of a State or local government who is assigned to an executive agency under an arrangement under this subchapter may—

"(1) be appointed in the executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the assignment; or

"(2) be deemed on detail to the executive agency.

"(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed an employee of the executive agency for all purposes except—

"(1) subchapter III of chapter 83 of this title or other applicable retirement system;

"(2) chapter 87 of this title; and

"(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

"(c) During the period of assignment, a State or local government employee on detail to an executive agency—

"(1) is not entitled to pay from the agency;

"(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 604, 607, 643, 654, 1905, and 1913 of title 18, section 638a of title 31, and the Federal Tort

Claims Act and any other Federal tort liability statute; and

"(3) is subject to such regulations as the President may prescribe.

The supervision of the duties of such an employee may be governed by agreement between the executive agency and the State or local government concerned. A detail of a State or local government employee to an executive agency may be made with or without reimbursement by the executive agency for the pay, or a part thereof, of the employee during the period of assignment.

"(d) A State or local government employee who is given an appointment in an executive agency for the period of the assignment or who is on detail to an executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(e) If a State or local government fails to continue the employer's contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an executive agency, the employer's contributions covering the State or local government employee's period of assignment, or any part thereof, may be made from the appropriations of the executive agency concerned.

"§ 3375. Travel expenses

"(a) Appropriations of an executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with—

"(1) subchapter I of chapter 57 of this title, for the expenses of—

"(A) travel, including a per diem allowance, to and from the assignment location;

"(B) a per diem allowance at the assignment location during the period of the assignment; and

"(C) travel, including a per diem allowance, while traveling on official business away from his designated post of duty during the assignment when the head of the executive agency considers the travel in the interest of the United States;

"(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

"(3) section 5724a(a) (1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

"(4) section 5724(a) (3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty; and

"(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

"(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1) (C), may not be allowed in connection with the assignment of a Federal or State or local government employee under

this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as a debt due the United States. The head of the executive agency concerned may waive in whole or in part a right of recovery under this subsection with respect to a State or local government employee on assignment with the agency.

"(c) Appropriations of an executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local government employee assigned under this subchapter.

"§ 3376. Regulations

"The President may prescribe regulations for the administration of this subchapter."

(b) The analysis of chapter 33 of title 5, United States Code, is amended by inserting the following at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"Sec.

"3371. Definitions.

"3372. General provisions.

"3373. Assignments of employees to State or local governments.

"3374. Assignments of employees from State or local governments.

"3375. Travel expenses.

"3376. Regulations."

REPEAL OF SPECIAL AUTHORITIES

SEC. 403. The Act of August 2, 1956, as amended (7 U.S.C. 1881-1888), section 553 of the Act of April 11, 1965 as amended (20 U.S.C. 867), and section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) (less applicability to commissioned officers of the Public Health Service) are hereby repealed.

SEC. 404. This title shall become effective sixty days after the date of enactment of this Act.

TITLE V—GENERAL PROVISIONS

DECLARATION OF PURPOSE

SEC. 501. The purpose of this title is to provide for the general administration of titles I, II, III, and V of this Act (hereinafter referred to as "this Act"), and to provide for the establishment of certain advisory committees.

DEFINITIONS

SEC. 502. For the purpose of this Act—

(1) "Commission" means the United States Civil Service Commission;

(2) "Federal agency" means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) "local government" means a city, town, county, or other subdivision or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A "general local government" means a city, town, county, or comparable general-purpose political subdivision of a State.

GENERAL ADMINISTRATIVE PROVISIONS

SEC. 503. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

(b) The Commission shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of this Act.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission may—

(1) issue such standards and regulations as may be necessary to carry out the purposes of this Act;

(2) consent to the modification of any contract entered into pursuant to this Act, such consent being subject to any specific limitations of this Act;

(3) include in any contract made pursuant to this Act such covenants, conditions, or provisions as it deems necessary to assure that the purposes of this Act will be achieved; and

(4) utilize the services and facilities of any Federal agency, any State or local government, and any other public or nonprofit agency or institution, on a reimbursable basis or otherwise, in accordance with agreements between the Commission and the head thereof.

(d) In the performance of, and with respect to the functions, powers, and duties vested in it by this Act, the Commission—

(1) may collect information from time to time with respect to State and local government training programs and personnel administration improvement programs and projects under this Act, and make such information available to interested groups, organizations, or agencies, public or private;

(2) may conduct such research and make such evaluation as needed for the efficient administration of this Act;

(3) shall include in its annual report a report of the administration of this Act; and

(4) shall make such arrangements as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of the related Federal training activities, with particular regard to title I of the Higher Education Act of 1965.

(e) The provisions of this Act are not a limitation on existing authorities under other statutes but are in addition to any such authorities, unless otherwise specifically provided in this Act.

REPORTING REQUIREMENTS

SEC. 504. (a) A State or local government office designated to administer a program or project under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

(b) An organization which receives a training grant under section 304 of this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal grant funds and the operation of the training program as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 505. The Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

DISTRIBUTION OF GRANTS

SEC. 506. (a) The Commission shall allocate 20 per centum of the total amount

available for grants under this Act in such manner as will most nearly provide an equitable distribution of the grants among States and between State and local governments, taking into consideration such factors as the size of the population, number of employees affected, the urgency of the programs or projects, the need for funds to carry out the purposes of this Act, and the potential of the governmental jurisdictions concerned to use the funds most effectively.

(b) (1) The Commission shall allocate 80 per centum of the total amount available for grants under this Act among the States on a weighted formula taking into consideration such factors as the size of population and the number of State and local government employees affected.

(2) The amount allocated for each State under paragraph (1) of this subsection shall be further allocated by the Commission to meet the needs of both the State government and the local governments within the State on a weighted formula taking into consideration such factors as the number of State and local government employees and the amount of State and local government expenditures. The Commission shall determine the categories of employees and expenditures to be included or excluded, as the case may be, in the number of employees and amount of expenditures. The minimum allocation for meeting needs of local governments in each State (other than the District of Columbia) shall be 50 per centum of the amount allocated for the State under paragraph (1) of this subsection.

(3) The amount of any allocation under paragraph (2) of this subsection which the Commission determines, on the basis of information available to it, will not be used to meet needs for which allocated shall be available for use to meet the needs of the State government or local governments in that State, as the case may be, on such date or dates as the Commission may fix.

(4) The amount allocated for any State under paragraph (1) of this subsection which the Commission determines, on the basis of information available to it, will not be used shall be available for reallocation by the Commission from time to time, on such date or dates as it may fix, among other States with respect to which such a determination has not been made, in accordance with the formula set forth in paragraph (1) of this subsection, but with such amount for any of such other States being reduced to the extent it exceeds the sum the Commission estimates said State needs and will be able to use; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced.

(5) For the purposes of this subsection, "State" means the several States of the United States and the District of Columbia.

(c) Notwithstanding the other provisions of this section, the total of the payments from the appropriations for any fiscal year under this Act made with respect to programs or projects in any one State may not exceed an amount equal to 12½ per centum of such appropriation.

TERMINATION OF GRANTS

SEC. 507. Whenever the Commission, after giving reasonable notice and opportunity for hearing to the State or general local government concerned, finds—

(1) that a program or project has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is a failure to comply substantially with any such provision;

the Commission shall notify the State or general local government of its findings and no further payments may be made to such government by the Commission until it is satisfied that such noncompliance has been, or

will promptly be, corrected. However, the Commission may authorize the continuance of payments to those projects approved under this Act which are not involved in the non-compliance.

ADVISORY COMMITTEES

SEC. 508. (a) The Commission may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committee or committees as it may determine to be necessary to facilitate the administration of this Act.

(b) Members of advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees including traveltime may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

APPROPRIATION AUTHORIZATION

SEC. 509. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the programs authorized by this Act.

REVOLVING FUND

SEC. 510. Section 1304(e) of title 5, United States Code (relating to the revolving fund of the Civil Service Commission), is amended—

(1) by striking out "of \$4,000,000" in paragraph (1); and

(2) by inserting "which appropriations are hereby authorized" immediately before the semicolon at the end of paragraph (2) (A).

LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST SHARING

SEC. 511. Federal funds made available to State or local governments under other programs may not be used by the State or local government for cost-sharing purposes under grant provisions of this Act, except that Federal funds may be used to pay a pro-rata share of such cost sharing. State or local government funds used for cost sharing on other federally assisted programs may not be used for cost sharing under grant provisions of this Act.

METHOD OF PAYMENT

SEC. 512. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as the Commission may determine, with necessary adjustments on account of overpayments or underpayments.

EFFECTIVE DATE OF GRANT PROVISIONS

SEC. 513. Grant provisions of this Act shall become effective one hundred and eighty days following the date of enactment of this Act.

The SPEAKER pro tempore (Mr. NATCHER). Is a second demanded?

Mr. QUIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Oregon (Mrs. GREEN), will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. QUIE) will be recognized for 20 minutes.

Mrs. GREEN of Oregon. Mr. Speaker, the Intergovernmental Personnel Act of 1970, is designed to strengthen the quality of administration of State and local governments by assisting them to deal more effectively with their personnel

management, recruiting, and training problems, particularly in the administrative, technical, and professional categories. Testimony reflected widespread concern among officials of government at every level over shortage of personnel, properly qualified to carry the responsibilities of modern-day government. Demands are beyond financial capabilities of State and local agencies in areas of pressing concern such as housing, education, health, pollution, and mass transit.

More and more demands are now being placed on State and local government personnel. We are accustomed to think of Federal governmental functions as increasing in number, scope, complexity, and expense. In every way the recent growth of State and local governmental functions has been even more spectacular.

According to testimony of the Civil Service Commission, between 1948 and 1967 Federal expenditures for civil government increased from \$16.3 billion to \$43.5 billion. Meanwhile State and local outlays increased from \$21 billion to \$83.8 billion. In terms of manpower, the number of Federal civilian employees rose from 2.4 million in 1946 to 3 million in October 1967—a 25-percent increase. During that same period, State and local employees soared from 3.6 million in 1946 to 9 million in 1967—a 150-percent jump. Today the number of such employees is almost 10 million. In 1975 it is estimated that it will have increased to 11.4 million.

This growth in governmental activity has been accompanied by a great increase in intergovernmental assistance programs. Again, according to Civil Service Commission testimony, Federal aid to State and localities amounted to \$1.8 billion in 1948 and reached the \$25 billion mark in 1970. State aid to local governments rose from \$3.5 billion in 1949 to \$19 billion in 1967—a 543-percent increase.

This extraordinary growth has inspired a great and growing concern about program administration, and with it a concern for improvement of public personnel management. S. 11 is a major effort to accomplish that improvement.

S. 11 passed the Senate without opposition on October 27, 1969. The Special Subcommittee on Education held 3 days of hearings on the bill. Those hearings developed a strong difference, between Governors on the one hand and the mayors and executives of county governments on the other, in regard to the authority of the Governors to veto applications of cities and local governments for grants. At the hearings the witnesses for all parties indicated that they might be able to reconcile their differences. Compromise language was agreed upon just before the election recess late this year. It assured the Governors of control over applications originating in their States but gave the cities and local governments a bypass in that the Governor did not act on the application. Thereupon on December 3, 1970 the Special Subcommittee on Education reported the bill with a number of amendments, the most important of which reflected the compromise.

The bill with the subcommittee amendments was adopted by the Committee on Education and Labor with only one dissenting vote on December 9, 1970.

In the version in which the bill came to the House from the Senate, the Governors were given a veto in certain circumstances. In testimony before the Special Subcommittee on Education, representatives of city and county organizations expressed their dissatisfaction with that provision. Thereafter, compromise language was worked out which was acceptable to the Governors, mayors, and executives of county governments.

In its present form, the bill has the support of the administration, the Civil Service Commission, the National Governors' Conference, the National Association of Counties, the U.S. Conference of Mayors, and the National League of Cities.

S. 11 is designed to meet certain basic needs: First, to strengthen intergovernmental cooperation and administration of grant-in-aid programs; second, to extend State and local merit systems to additional programs financed by Federal funds; third, to provide grants for improvement of State and local personnel administration; fourth, to authorize Federal assistance in training State and local employees; fifth, to provide grants to State and local government for training of employees; sixth, to authorize interstate compacts for personnel and training activities; and seventh, to facilitate interchange of Federal, State, and local personnel.

Title I of the bill provides for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by the act. This will be helped by an advisory council on intergovernmental personnel policy which the President will appoint within 6 months after the bill is enacted.

The basic purpose of title II of the bill is to stimulate and assist State and local governments to strengthen their staffs and improve their systems of personnel administration. A related objective is to help bring about the maximum possible degree of effectiveness in the administration of federally aided programs.

Title II authorizes the Civil Service Commission to furnish technical advice and assistance, on request, to State and general local governments seeking to improve their systems of personnel administration. The Commission may make grants to State and local governments on a 75 to 25 matching basis to help offset the costs of developing and carrying out programs or projects to strengthen the personnel administration of such governments. The Commission may join on a cost-sharing basis, with State and local governments in cooperative recruiting and examining activities.

The Commission may coordinate the personnel administration support and technical assistance given to State and local governments.

The Commission may administer Federal statutory provisions requiring the

establishment and maintenance of personnel standards on a merit basis for State and local personnel engaged in certain federally assisted programs.

The purpose of title III is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields. Title III authorizes grants on a 75 to 25 matching basis to State and local governments and other organizations to help offset the costs of developing and carrying out programs for training of State and local government professional, administrative, and technical employees and officials.

It also authorizes grants to support Government service fellowships for State and local government personnel. It permits reimbursement for the initial additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs. It authorizes the covering of training costs incurred by the Commission in admitting State and local government personnel into the Commission's interagency training programs on a partially or nonreimbursable basis.

The purpose of title IV is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

The assignment of a Federal employee to a State or local government is subject to the employee's consent.

Title IV permits assignments for 2 years with an extension possible for two more.

Title IV provides a salary equalization allowance to Federal employees assigned to the States in case the State salary is lower than the Federal employee's salary. The Department of Agriculture authority now makes no provision for this, but present law for the Office of Education and the Public Health Service does.

Title IV provides that Federal employees assigned to States shall receive the same amount of leave to which they would have been entitled at their regular post of duty.

The purpose of title V is to provide for the general administration of the act, and to provide for the establishment of certain advisory committees.

The bill authorizes such sums as are necessary with no set annual amounts listed in order to make it possible to make requests for specific amounts consistent with budgetary requirements for the programs. The authorization is open-ended both in duration and in amount. The Civil Service Commission has advised the committee that it now estimates \$20 million will be requested for the first year of operations under the act, \$30 million in the second, and \$40 million annually in the immediate years thereafter. Funding requirements under the various titles of the bill for the next 2 fiscal years have been summarized by the Commission as follows:

SUMMARY OF ESTIMATED FUNDING REQUIREMENTS

	Fiscal year 1972	Fiscal year 1973
Personnel compensation.....	\$400,000	\$1,093,000
Title I.....	30,000	75,000
Title II.....	230,000	823,000
Title III.....	140,000	195,000
Title IV.....		
Title V.....		
Grants-in-aid.....	18,248,000	28,444,000
Title II.....	7,294,000	11,100,000
Title III:		
Training grants.....	10,454,000	16,744,000
Fellowships.....	500,000	600,000
Other objects of expenditure.....	352,000	463,000
Revolving fund.....	1,000,000	
Total.....	20,000,000	30,000,000

Under the bill, the Civil Service Commission will make a distribution of 20 percent of the available money among State and local governments on subjective factors as: emergency situations, number of employees affected, urgency of program or projects, et cetera.

The remaining 80 percent shall be allocated by the Commission among the States on an objective formula taking into consideration such factors as, first, the relative population; and second, the number of State and local government employees affected.

The committee was greatly concerned that effective coordination of programs be obtained and that duplication be avoided. To that end the Civil Service Commission is directed: first, to include requirements for coordination in regulations for training programs; second, to coordinate training programs under this act with other Federal training programs; and third, to avoid duplication of training programs, with particular regard to title IX—Education for the Public Service—of the Higher Education Act of 1965. Similar coordination and avoidance-of-duplication provisions are required in regard to personnel administration and technical assistance. The same principle is given general application in section 503(d)(4), with particular regard to title I—Community Service and Continuing Education—of the Higher Education Act of 1965.

Various merit programs now administered by other departments are transferred to the Civil Service Commission insofar as they relate to the prescription of personnel standards. Typically, these programs relate to Federal requirements for personnel administration on a merit basis in connection with certain Federal grant-in-aid programs.

At the same time the committee was also concerned that the independence of State and local governments be preserved. Accordingly, the Commission is directed to recognize fully the rights, powers, and responsibilities of State and local governments and to encourage innovation and allow for diversity.

Mr. Speaker, I urge that the House approve passage of S. 11. It is an important and necessary step towards the more effective administration of pro-

grams which this country needs and its citizens expect.

Mr. BRADEMAS. Mr. Speaker, will the distinguished gentlewoman from Oregon yield?

Mrs. GREEN of Oregon. I would be very happy to yield to the distinguished gentleman from Indiana.

(Mr. BRADEMAS asked and was given permission to revise and extend his remarks.)

Mr. BRADEMAS. Mr. Speaker, I thank very much the distinguished gentlewoman from Oregon for yielding to me this time.

Mr. Speaker, I want to express my strong support of the statement which has been made by the distinguished chairman of the subcommittee and to express the hope that this legislation will win strong support on both sides of the aisle, indicating the concern of the Members of this body that we strengthen State and local governments and thereby contribute to a strengthening of the entire Federal system.

Mr. GROSS. Mr. Speaker, will the distinguished gentlewoman yield?

Mrs. GREEN of Oregon. I would be very glad to yield to the gentleman from Iowa.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. I thank the gentlewoman for yielding.

This bill calls for, as I understand it, an expenditure of \$90 million over the next 3 years. That is not an inconsequential amount of money even in these days of wholesale spending.

Is it intended in this legislation to eliminate some of the training programs presently in effect, or is this in addition to the wide-ranging assortment of training programs and alleged liaison between Federal and State governments?

Mrs. GREEN of Oregon. May I refer the gentleman to pages 69 and 70 of the bill which has been reported. The provisions set forth on those pages require the Civil Service Commission to coordinate Federal training programs and to avoid duplication. We would cut down as much as possible on the duplication.

Mr. GROSS. I would certainly hope that that would be one of the beneficial effects of this legislation, if it is approved.

It is not the intent of this legislation, or is it, to bring under the Federal merit system, the retirement program and other benefits, employees in the States who are paid in whole or part out of Federal funds?

Mrs. GREEN of Oregon. It is not the intention of this legislation to do this. The intent of this legislation is to provide training and help to the States and the localities in establishing their own or strengthening their own merit systems. It is not intended to bring them under the umbrella of the Federal merit system.

Mr. GROSS. I am sure the gentlewoman is aware of the fact that we already have some State employees under the Federal Retirement System and other fringe benefits. If this bill in any way provides or encourages an increase

along that line I would be opposed to it.

I would like to have the assurance of the distinguished gentlewoman that it does not.

Mrs. GREEN of Oregon. I can assure the gentleman from Iowa that I also would oppose such legislation.

May I add one other thing. The gentleman from Iowa mentioned the possible expenditure of \$90 million that the Civil Service Commission has suggested that it might request over the next 3 years. I suggest that with increased productivity and performance, in my judgment much of that amount, if not all of it, would be saved under this act.

Mr. GROSS. Mr. Speaker, if the gentlewoman will yield further, I would say to the gentleman if she will further indulge me, that will be the day when we get the increased productivity about which we have heard so much as being the means by which we can finance increased pay for Federal workers. That will be the day when you get the productivity that will result in paying for these constant pay increases. I do not anticipate that there will be very much increased productivity and thereby decrease the payrolls under this or any other legislation.

Mr. PERKINS. Mr. Speaker, the Intergovernmental Personnel Act of 1970 is designed to strengthen the capacity of State and local governments to deal with our most difficult domestic problems by upgrading the quality and effectiveness of the people serving at the State and local levels. Its emphasis is on improved personnel management and better recruiting and training of public service employees, particularly in the administrative, technical, and professional categories. I consider this measure vital to the future of our federal system of government.

Initially, Mr. Speaker, I want to compliment the members of the Special Subcommittee on Education of the Committee on Education and Labor—from both sides of the aisle—for their diligent work on this legislation. Particularly, I want to commend the chairman of the subcommittee—the gentlewoman from Oregon (Mrs. GREEN) for her effective leadership and management of this most important proposal.

There were many issues in controversy in connection with this legislation, and the bill before us today—which is acceptable to all interested parties—represents many hours of concerted effort on the part of the gentlewoman from Oregon (Mrs. GREEN) and the members of her subcommittee.

S. 11 comes to the floor of the House following unanimous approval by the Committee on Education and Labor on December 9, 1970. It twice passed the Senate in similar versions, first in the 90th Congress by an overwhelming margin, and most recently in the 91st Congress without opposition on October 27, 1969. It has the endorsement of leading Governors, mayors, and other public officials along with the major organizations representing them, and the strong support of citizen groups devoted to the public interest. It has broad bipartisan

backing and the full support of this administration.

Three days of hearing were held by the Special Subcommittee on Education. On December 3, 1970, the bill was reported unanimously to the full committee with a number of perfecting and other amendments, all of which were approved by the full committee.

The principal changes from the Senate-passed bill are designed to prevent problems in State and local relationships which have emerged in other federally assisted programs. They provide a more definitive and equitable framework for States and localities to seek and obtain assistance provided under this legislation. These changes were approved by the principal organizations representing the States and localities, and have the full concurrence of the administration.

Mr. Speaker, this legislation is crucial to the successful execution of programs of Federal aid to State and local governments. We have invested heavily of our hopes and our national wealth in these programs. This year Federal aid to State and local governments will top \$25 billion, and this amount is certain to increase. But this money will be wasted if the program for which it is used are not competently administered.

Numerous studies have emphasized the pressing need to improve the quality and competence of personnel at the State and local levels. The proposed Intergovernmental Personnel Act would provide the means to do this by.

First, authorizing the Civil Service Commission to make grants to State and local governments to plan and make improvements in their systems of personnel administration;

Second, authorizing the temporary exchange of personnel between and among the levels of government;

Third, transferring to the Civil Service Commission responsibility for administration of existing Federal statutory provisions requiring merit personnel administration for State and local employees engaged in certain federally assisted programs;

Fourth, authorizing Federal agencies to admit State and local government officials and employees, particularly in administrative, professional, and technical occupations, to Federal training programs.

Fifth, authorizing the Civil Service Commission to make grants to State and local governments and other appropriate organizations for carrying out plans for training State and local government employees, as well as for the development of such plans, and for Government service fellowships for employees selected for special graduate-level university training;

Sixth, authorizing the Civil Service Commission to join with State and local governments in cooperative recruitment and examining activities;

Seventh, giving the consent of Congress to interstate compacts designed to improve personnel administration as well as the training of State and local employees;

Eighth, providing for an advisory council appointed by the President to de-

velop recommended policies and standards for the administration of Federal programs for the improvement of State and local personnel administration and training; and

Ninth, directing the Civil Service Commission to coordinate these activities, in order to avoid overlap and duplication of effort and thus insure maximum effectiveness of administration.

Mr. Speaker, I should like to discuss the conditions which have created the need for this legislation.

Increasing population and urbanization in this country pose massive problems for all levels of government. The problem areas are well known—slums, substandard housing, traffic congestion, pollution, crime, delinquency, and others with which we are all too familiar. There are demands for better education and better roads, hospitals, and programs for safeguarding economic and social security.

The major burden for solving these problems and meeting these demands rests primarily with our State and local governments. But, as the demands have increased, their capacity to meet them has not. Just in terms of obtaining enough qualified personnel, the State and local governments have a serious problem on their hands.

Between 1955 and 1970, State and local government employment increased from 4.7 million to almost 10 million persons. It is estimated that this total will increase to 11.4 million by 1975. Total recruiting needs for these employees, other than for teachers, are estimated at 2.5 million over the 10-year period, or an average of 250,000 per year. This, just to stay abreast of replacement and growth needs. Nothing similar to this critical manpower situation has ever been faced by State and local governments before.

Expanded Federal assistance has aggravated personnel problems at the local government level. Federal programs have moved local government into new and complex areas and programs which have seriously challenged the knowledge and competence of present employees. Implementing such programs will be disastrous, if we are not concerned with the qualifications, abilities, and training of the local government employees who are to run these programs.

If we are to appropriate billions of dollars each year to solve the problems confronting the Nation, it is surely sensible to spend a relatively small sum to insure that these programs will be properly administered.

The proposed legislation has now been considered in three Congresses. We have delayed much too long in dealing with the critical shortage of properly qualified personnel for the public service. The burden grows constantly. S. 11 is intended to help strengthen State and local governments in their quest for improved administration of these many programs and to help them meet their responsibilities within the Federal system. It would do this in such a way as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and man-

agement of their own systems of personnel administration.

I would like to add a few words about one provision of S. 11 which I feel will have a significant impact on the quality of government. I refer to the authorization for temporary personnel interchange between the different levels of government. This provision will make it possible for high quality personnel to bring fresh thinking to bear on mutual problems. It will enable governmental jurisdictions to obtain the expert help they need to solve a special problem or get a new program started. Being able to share hard-to-get specialists will work to the mutual advantage of all.

For these reasons, I hope that the House will approve passage of S. 11 as an important step toward improvement of intergovernmental relations between the National, State, and local governments and in providing services demanded by our citizens.

Mr. QUIE. Mr. Speaker, I yield myself 5 minutes.

(Mr. QUIE asked and was given permission to revise and extend his remarks.)

Mr. QUIE. Mr. Speaker, I rise to support the bill S. 11, as amended. Almost every domestic problem which we as a nation face puts unusual burdens on all levels of government. People are looking more and more to Government for solutions; solutions for inadequate health systems, a polluted environment, rising crime rates, congested transportation networks, shortage of housing—the list could go on and on.

The record of the U.S. Congress and of State legislatures in developing programs to combat these problems is a record unparalleled by any nation. In fact, we have built this record so rapidly, that, in the process, we have created unbelievable pressures on the executive agencies of the Federal, State, and local governments to deliver the services which we have authorized and funded.

Now is the time—indeed it is far past the time—for us to recognize our responsibility to update Government personnel administration; to train public employees to become more proficient in their responsibilities; and to coordinate the proliferation of personnel functions carried out at each level of government.

The Intergovernmental Personnel Act of 1970, as amended, is directed to these needs. It recognizes the interdependency among all levels of government. It recognizes the responsibility of the Federal Government to provide leadership in upgrading Government services. It is only fitting that we assume this leadership, since the Federal Government must depend to a great extent on the quality of personnel at the State and local level to administer the grants which we provide.

During our hearings, we learned that State and local government employment rose 65 percent between 1955 and 1965. It is projected that from 1965 to 1975, this employment figure will rise another 55 percent to over 12 million employees. States and local governments now need to recruit and train each year over 250,000 administrative, professional, and technical employees alone. This creates

tremendous problems for personnel administrators. It is clearly in the national interest to focus much, much more attention—as this bill does—on the structure of our personnel systems, the recruitment and training of key employees, and the potential for better government through the coordination of services among the various levels of government. To do less would be extremely shortsighted, even irresponsible.

This is a comprehensive bill. The costs of the several programs authorized in the bill will be shared. In the major programs, the Federal Government will contribute 75 percent for the first 3 years, then only 50 percent. The State or local government participating in any given program will bear the remainder of the cost.

The Civil Service Commission will administer these programs at the Federal level.

The major features of the bill are as follows:

Federal matching grants can be made to States, local governments, or combinations of local governments to develop and strengthen their own systems of personnel administration. Whatever programs are proposed must be consistent with basic merit principles outlined in section 2. But diversity is allowed and innovation is encouraged.

Intergovernmental cooperation and coordination will be strengthened through cooperative recruiting and examining; interstate compacts for personnel training and development; exchange of employees between levels of government and joint training efforts; technical assistance to State and local governments by the Civil Service Commission; and better coordination of all the personnel administration assistance now provided by various Federal programs.

Training programs for State and local administrative, professional, and technical employees will be supported on a cost-sharing basis. States are given first chance to develop a State plan for these programs. Should a State decide not to provide for the training of local employees, or should a local government have unique training needs not covered by the State plan, then the local jurisdiction can apply directly to the Civil Service Commission for a training grant. These proposals would, however, go first to the Governor for review and comment.

Mr. Speaker, these are the major features of a bill which I feel could have far-reaching effects on Government service at all levels. We must do everything we can to keep Government organization and Government employees up-to-date and compatible with the ever-changing demands we as a people are placing on our governments.

The bill, as passed by the other body and our committee, has an open-end authorization. I feel that we should leave it that way. Let the Civil Service Commission request exactly what it needs and can effectively administer. To place unrealistic levels of authorization would only give the States and local governments something to complain about if Congress funded these programs at lower levels.

The Civil Service Commission indicated to the committee that it expected to request about \$20 million the first year, \$30 million the second and could conceivably be expanded to upwards of \$40 million several years from now. I believe these are reasonable figures for the improved quality of Government services which we should expect.

As our distinguished Chairman indicated, this bill was not without problems when it was sent over from the other body. Credit is due to many individuals who were instrumental in finally getting the city, county, and State people to agree on new language for certain sections. The new language incorporated in the committee bill is completely acceptable to the Administration as well. And we understand that the other body is willing to accept the amended bill so that a conference will not be necessary.

One question which was naturally raised in our committee is the extent to which teachers and other educational personnel are included in the bill. Let it be clear that this bill is directed at administrative, professional, and technical employees working in Government agencies—people in the "management core" of each level of government.

It is possible for a Governor or a chief executive of a local government unit to include in his proposal provisions for improving the personnel administration of public educational institutions and provisions for training certain management personnel of public schools or institutions of higher learning. In no case, however, would the Civil Service Commission be allowed to make grants which duplicate the programs already offered under other legislation. Teaching personnel per se will not be assisted under either title II or title III.

Under title IV, which provides for exchange of government employees, it is possible for employees of a college or university to be temporarily assigned to a government executive agency, and vice versa. These arrangements are made between the relevant organizations and would not consume any of the Federal funds authorized under this bill.

Another question which was raised in committee is the opportunity for organizations other than government organizations to receive grants for training government employees and officials. I believe we have amended Section 304 to satisfy our concerns. According to the Civil Service Commission, there are a handful of organizations and professional associations which already provide training assistance to government. These groups sometimes have training expertise in certain specific areas which is not available within the government.

The way we amended this section, the Government personnel system will be required to provide the desired training if it is capable and able to do so. Any outside organization must have a request from a State or local government before its proposal for a grant can be considered. Finally, in this regard, it is important to remember that one of the main themes of this bill is to strengthen the Government personnel systems. We should depend on them first. The capac-

ity of Government to provide employee training will develop best when it is used and challenged to the fullest extent possible.

In summary, Mr. Speaker, I believe this bill, which has taken five years to get this close to final passage, will result in new measures of excellence in government service. The administration strongly endorses it. The associations representing the cities, the counties, and the States strongly endorse it. I urge the House to pass the bill as reported by our committee and express the hope that the Senate can in turn agree to our language and send it on to the President before the end of the year.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I want to associate myself with the remarks of the gentleman from Minnesota.

This bill has been a long time coming. I think it has been worth the wait.

The chairman of the subcommittee and the ranking member, the gentleman from Minnesota, have done well in having straightened out the problems dealt with in this bill.

I know that there is a great deal of interest in this legislation on the local and State level in Wisconsin and it is well we have this bill before us today, and I hope it is promptly passed.

The SPEAKER pro tempore. The gentlewoman from Oregon (Mrs. GREEN) is recognized.

(Mrs. GREEN of Oregon asked and was given permission to revise and extend her remarks.)

Mr. GONZALEZ. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. GONZALEZ. Mr. Speaker, I have a question with respect to this legislation.

I have cosponsored legislation for better than 8 years.

One of the things I am wondering about is discussed on page 19 of the committee report and it has to do with the assignment of State and local government employees.

I am just wondering if we could get an explanation as to the local responsibility that can flow from this type of arrangement whereas a State employee is assigned to the Federal Government—and even though the committee report says it would be on a limited basis and that regardless of the merit provisions of the civil service laws that he shall not have an equal footing with the regular merit service employee—still in the report there is a discussion of how the local and State government shall pay into his retirement fund—I mean the Federal Government would pay for it if the State and local government unit either fails or refuses to continue to pay into his retirement fund and insurance fund.

It seems to me this is inviting the State and local government units to do exactly that and to let the Federal Government pay for it.

Is there some explanation that could enlighten me a little further than the committee report does on page 19?

Mrs. GREEN of Oregon. I would say, first of all, this is a cooperative venture and its success will be determined on the degree of cooperation between the various units of government.

The bill is very clear, saying that no person shall be eligible for duplicate benefits—Federal, State, or local. It has to be one or the other.

As far as the possibility of shifting the burden, if I understand the gentleman's question correctly—shifting the financial burden to the Federal Government from the States—we would hope this would not be the case, and that the States would continue to meet their responsibilities as before.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. BRADEMAS. Mr. Speaker, I would also like to add to what the gentlewoman has just said, the observation that on page 95 of the bill, it should be noted that the employer's contribution in the event of the circumstances suggested by the gentleman were to occur, may be made from the appropriations of the executive agency concerned—which is not the same as "shall" and therefore I would hope that that would represent some warning to the State and local governments who are concerned, to resolve their problems in the manner described by the gentleman, and that they will not find their purpose achieved.

Mr. Speaker, as a sponsor of the bill now before us the Intergovernmental Personnel Act of 1970, I believe that this legislation will enable us to initiate a program to strengthen the Federal system at its most crucial point—the quality of the men and women administering the many tasks of modern government.

I commend the gentlewoman from Oregon, the distinguished chairman of the Special Education Subcommittee, Mrs. GREEN, for her statement and hope this measure will win strong support from both sides of the aisle.

Mr. Speaker, the statistics on the growth of employment in the public sector in the past quarter century are staggering, and it is clear that the pace will not diminish in the future.

It is a fact that by far the fastest rising rate of government employment is at the State and local levels, despite the frequent cries about the oversized Federal bureaucracy. In the next 5 years, it is expected that a quarter million trained persons will have to be hired by regional governments each year. By 1975, 12 million will be employed in State and local administrations, as compared to about a third that number in the Federal Government.

It is evident too that with the growing complexity of the problems we face, the professional background of the persons administering programs is of vital importance. The challenges faced by government at all levels are tremendous now, and they are growing. Day-to-day confrontations with the baffling demands of our time—air and water pollution,

waste disposal, law enforcement, urban planning, education reform, coping with high unemployment—are daily facets of life for modern day administrators. We can no longer make the vague assumption that these problems will solve themselves. In testimony before our subcommittee, numerous witnesses told us of the critical need for adequately prepared men and women at the State, county, and community levels. We cannot expect the great commitments of this decade to be transformed into results by themselves, though we often seem to presume they can. We need to have trained and educated women at every level of government—State and local as well as Federal—if we are to make good on these commitments.

It is significant that American business has never pursued so haphazard an employment and training policy. In many businesses it is now common to send a man for retraining courses two and three times during his career, so fast do the demands upon a competent employee change. With the enactment of S. 11, we will adopt a corresponding attitude toward government.

Mr. Speaker, in the next decade, it is estimated the Federal Government will allocate something like a quarter of a trillion dollars to States and local communities in various forms of assistance. Certainly no one wants so vast a sum to be subject to wastage and inefficient use. Yet we run that risk if we do not take steps to assure the quality of those who will have the responsibility of administering these funds. Unquestionably, this legislation will enable us to meet these needs in the context of a strong and flexible federal system.

Mr. Speaker, S. 11 approaches these problems in several ways. It offers the opportunity for State and local administrations to exchange personnel with the Federal Government on a temporary basis. It directs the Civil Service Commission to coordinate the various personnel training programs so that we will avoid duplication and overlapping.

S. 11 establishes a Presidentially appointed advisory council to study and make recommendations for improving the quality of public administration at State and local levels of government, and for aiding such governments in training their professional, administrative, and technical employees and officials.

Further, Mr. Speaker, the bill authorizes grants to State and local governments and various related organizations for the purpose of developing and carrying out training programs for government employees. Also, S. 11 establishes a government service fellowship program for State and local government personnel.

Through another provision, the Federal Government will join on a shared cost basis with State and local governments in cooperative recruiting and examining activities.

Finally, S. 11 authorizes grants to State and local governments on a matching basis to help offset the cost of developing and carrying out programs and projects to strengthen the personnel administration of such governments.

So, Mr. Speaker, I strongly urge passage of this legislation. The future of our federal system may well depend on our doing so.

Mr. GONZALEZ. From a purely practical standpoint, however, I wonder what this is going to lead us into from a legal standpoint. For example, under a section of the bill which, I believe, appears on pages 94 or 95, there is reference to payment for compensation due to injuries while an employee is assigned to Federal employment. The bill would make it the responsibility of the Federal Government. It seems to me that there is involved a legal question that has many ultimate ramifications, and I am merely wondering if that was checked out. I am sure it must have been. I would like to have some explanation.

Mrs. GREEN of Oregon. Did the gentleman say page 94 or page 95.

Mr. GONZALEZ. Well, it may not be in the bill sequence, but referring to page 19 of the report, the following language appears:

Subsection (d) provides that a State or local government employee serving on detail or under Federal appointment who is disabled or dies as a result of personal injury sustained while in the performance of official duty is to be treated as a Federal employee for on-the-job injury compensation benefits.

What I have reference to is whether or not the full legal implications of this dual arrangement, of a State employee assigned to Federal employment, has been explored by the legal counsel of the committee.

Mrs. GREEN of Oregon. Yes; it has been explored very carefully to be sure that they do not get both. It seems to me the provision is justified if a person, who is on leave and working for a Federal agency, is injured. I suspect that these would be very, very rare cases. It is not unreasonable then for the Federal Government to provide benefits.

Mr. GONZALEZ. But notwithstanding the disclaimer of the bill from the standpoint of the merit system category of the employee, it would seem to me that if a lawsuit were to result, the question as to whether or not this employee qualified within the full definition of Federal employment, whether or not, in the light of some of the experiences we have had with the CCC in the depression and WPA-related contractual jobs during the depression, this has fully been explored.

Mrs. GREEN of Oregon. This has been fully explored, and it is the intent of the bill to have the Federal Government provide the benefits, if he is assigned.

Mr. GONZALEZ. And it is the intent of the committee not really to open up the full panoply to Federal employment, its benefits and prerogatives.

Mrs. GREEN of Oregon. That is right. That is right.

The SPEAKER pro tempore (Mr. NATCHER). The Chair would like to state to the gentlewoman from Oregon that her unanimous-consent request will take care of the statement of the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS). As the gentlewoman from Oregon knows, under the rule adopted 2 years ago, the Joint

Committee on Printing will not permit an individual request. But the gentlewoman is correct in her unanimous-consent request.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. I thank the gentleman for yielding.

Mr. Speaker, for the purpose of making legislative history on this measure, I would like to ask my colleague from Oregon (Mrs. GREEN) a question concerning the interpretation of section 208 of the bill before us.

As the gentlewoman from Oregon knows, this section states that it transfers to the Civil Service Commission all the functions, powers, and duties of the Secretaries of Agriculture, Health, Education, and Welfare, and Labor under certain listed statutes, insofar as they relate to the prescription of personnel standards on a merit basis where grant-in-aid programs are concerned.

Is my interpretation of this provision correct, that the language transfers to the Civil Service Commission under those listed statutes only the authority to prescribe and promulgate standards on a merit basis and not the basic departmental responsibilities for securing State compliance with the statute standards and determining whether the standard has been met?

Mrs. GREEN of Oregon. Yes. If my colleague will yield, and if my colleague from Oregon will note, on page 72 in subparagraph (4) it is the purpose, and the gentleman is correct in his interpretation of this language, to transfer to the Civil Service Commission only the powers, functions, and duties of the respective Secretaries that relate to the prescription or promulgation of such standards on a merit basis. The responsibilities of assuring and determining compliance with these standards is retained by each department.

Mr. DELLENBACK. Mr. Speaker, I thank my colleague, the gentlewoman from Oregon.

If the gentleman from Minnesota will yield for the purpose of the same inquiry, is my interpretation of that provision correct insofar as the gentleman from Minnesota knows it to be?

Mr. QUIE. I would say the gentleman's interpretation is correct as is the answer of the gentlewoman from Oregon. The responsibilities for assuring and determining compliance with these standards is retained by each department. It is the only way their programs could function properly.

However, on page 72, in subsection (b) the Civil Service Commission also has the responsibility to advise the Federal agencies and recommend and coordinate with them in the taking of any action by the Federal agency as the Commission considers will most effectively carry out the purpose of this title. So I would say to the gentleman from Oregon that if the Civil Service Commission finds that a State is not in compliance with the standards or determines itself that the standard has not been met, if such be the case, they have the responsibility to advise the Federal agency, but the Federal agency has

the responsibility, as indicated in his question, of assuring and determining that compliance.

Mr. DELLENBACK. I thank the gentleman from Minnesota.

Mrs. GREEN of Oregon. Mr. Speaker, I yield to the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Speaker, I would be interested in having an explanation of the effect of the provisions on page 71 transferring functions and powers and duties from the Secretary of Agriculture in connection with the Food Stamp Act to the new Commission. Would you give us some explanation of just what is done?

Mrs. GREEN of Oregon. If I could restate or reemphasize what I said a moment ago in answer to the question asked by my colleague, the gentleman from Oregon, this transfers only the powers and functions and duties of the Secretary of Agriculture in relation to the prescription of personnel standards on a merit basis. It does not transfer the compliance or any other powers or functions or duties he has under the Food Stamp Act.

Mr. POAGE. Mr. Speaker, I thank the gentlewoman from Oregon.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Oregon that the House suspend the rules and pass the bill S. 11, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks, and to include extraneous matter on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 18306. An act to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes.

MODIFYING AMMUNITION RECORD-KEEPING REQUIREMENTS

Mr. ULLMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14233) to modify ammunition record-keeping requirements, as amended.

The Clerk read as follows:

H.R. 14233

A bill to modify ammunition recordkeeping requirements

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 4182(c) of the Internal Revenue Code of 1954 (relating to records) is amended by inserting ".22 caliber rimfire ammunition," after "rifles generally available in commerce,".

The SPEAKER pro tempore. Is a second demanded?

Mr. BYRNES of Wisconsin. Mr. Speaker, I demand a second.

PARLIAMENTARY INQUIRY

Mr. BINGHAM. Mr. Speaker, a parliamentary inquiry. Is the gentleman from Wisconsin opposed to the bill, and does he qualify as a second?

The SPEAKER pro tempore. Is the gentleman from Wisconsin opposed to the bill?

Mr. BYRNES of Wisconsin. Mr. Speaker, I am not.

The SPEAKER pro tempore. Is the gentleman from New York opposed to the bill?

Mr. BINGHAM. I am, Mr. Speaker, and I demand a second.

The SPEAKER pro tempore. The gentleman from New York qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Oregon for 20 minutes and the gentleman from New York for 20 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 14233 would exempt .22-caliber rimfire ammunition from the reporting requirements of the Gun Control Act of 1968. This bill is supported both by the Justice Department and by the Treasury Department.

I would call to the attention of Members that we are dealing here with an ammunition that is the largest volume ammunition sold; some 4.5 billion rounds of ammunition every year, and some 30 million individual sales of ammunition.

Members of the House will recall that a provision of the Gun Control Act made it unlawful for a sporting goods dealer or other licensee under the act to sell ammunition without making a record showing the name, age, and residence of the purchaser. Another provision of the act requires all licensees to maintain such records of sale or other disposition of ammunition as may be provided by regulations. The Treasury Department's regulations require a licensee who sells ammunition to record, first: The date of the transaction; second, the name of the manufacturer, the caliber, gage, or type of component, and the quantity of ammunition transferred; third, the name and address and date of birth of the purchaser; and, fourth, the method used by the licensee to establish the identity of the purchaser.

Mr. Speaker, when the Gun Control Act of 1968 was originally passed, it broadly included all manner of ammunition, sporting and nonsporting. Last year, in Public Law 91-128, however, the Congress wisely excepted and exempted certain sporting-type ammunition from these reporting requirements; namely, first, shotgun ammunition; second, am-

munition suitable for use only in rifles generally available in commerce; and third, component parts of such ammunition. This exemption for sporting-type ammunition was in recognition of the tremendous volume of sales of such ammunition sold to sportsmen for legitimate purposes such as hunting, target shooting, and other sporting activity. More significantly, Mr. Speaker, however, it was in recognition of the fact—documented by the experience of the responsible executive departments of Government—that records of voluminous sales of sporting-type ammunition were absolutely useless to law enforcement officials.

Today, we have before the House a bill, H.R. 14233, to provide a logical extension of the sporting-type exception or exemption to .22-caliber rimfire ammunition. An exemption for this type of ammunition should have been included in the original Gun Control Act of 1968 and certainly in the exemption for sporting-type ammunition enacted last year. The .22-caliber rimfire ammunition is the most popular type sporting ammunition in the world. More of it is sold annually than any other kind.

Moreover, Mr. Speaker, the experience of the executive departments responsible for law enforcement confirms and substantiates the justification and actual need for exempting .22-caliber rimfire ammunition from the reporting requirements of present law. Both the Department of Justice and the Department of the Treasury favor this bill. The Committee on Ways and Means went into this matter very thoroughly, and our interrogation of the departmental representatives was very searching and in considerable depth. The representative of the Department of Justice affirmatively stated in response to our questioning that—

There is not a single known instance, as we have learned from our discussions with the Internal Revenue Service, with the firearms people there, not a single known instance where any of this record keeping has led to a successful investigation and prosecution of a crime.

The representative of the Department of the Treasury likewise stated that he knew of no instance where any of the recordkeeping provisions relating to sporting-type ammunition, including .22-caliber rimfire ammunition, had been helpful in law enforcement.

Moreover, Mr. Speaker, present law, which requires the burdensome registration of sales of billions of rounds of .22-caliber rimfire ammunition may have an actual deleterious effect on law enforcement. The Department of the Treasury's representative before the committee stated that because of the volume of transactions in this ammunition, the recordkeeping requirements have become so burdensome that they tend to detract from the enforcement of other provisions of the firearms laws.

In essence, then, Mr. Speaker, not only is the pending bill a logical application of the present exemption for sporting-type ammunition enacted last year, but its enactment would be a positive contribution to effective law enforcement. It is entirely consistent with

the objectives of the sporting-type ammunition exemption provided last year in that it will relieve the law enforcement agencies, sporting goods dealers and American sportsmen from unreasonable burdens relating to the purchase of sporting-type ammunition. At the same time, the bill continues protecting the public safety by retaining recordkeeping requirements with respect to the purchase of ammunition designed primarily for handguns, and it does not affect existing controls of interstate shipments and sales of ammunition of any type by a licensee to certain classes of people such as juveniles, drug addicts, felons, and others subject to the provisions of the Gun Control Act of 1968.

In closing, Mr. Speaker, let me reiterate that the enactment of this bill, by eliminating an exercise in futility of recordkeeping, would make a positive contribution to effective law enforcement.

Again, Mr. Speaker, let me emphasize the bill enjoys the full support of the Department of Justice and the Department of the Treasury. Not one voice was raised against the careful consideration given the measure by the Committee on Ways and Means. It is truly a law and order bill, Mr. Speaker, and I urge its approval by the House.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield at this point?

Mr. ULLMAN. The gentleman from New York has 20 minutes, and I shall be glad to respond to questions under his time.

Mr. Speaker, I reserve the balance of my time.

Mr. BINGHAM. Mr. Speaker, I yield myself 5 minutes.

(Mr. BINGHAM asked and was given permission to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, the first point I want to make is what I had hoped to bring out earlier from the gentleman from Oregon (Mr. ULLMAN), when the gentleman would not yield, that no hearings were held on this bill, no public hearings. There is no hearing record available for our inspection and there is not the usual letter from any department on the subject of this bill.

The second point I want to make is that the only reporting requirements in the act—the only reporting requirements—are the name, address, and age of the purchaser. The other requirements are not—

Mr. ULLMAN. Mr. Speaker, would the gentleman yield for a question?

Mr. BINGHAM. I will not yield at this point. The gentleman would not yield to me.

Mr. Speaker, all of the reporting requirements that the gentleman earlier referred to are in the regulations issued by the Treasury. Now, those can be changed by the Treasury. They were issued by the Treasury, and they can be changed by the Treasury. The only requirements in the act, and I will repeat this, is that the purchaser of ammunition of this type give his name, address, and age. Now, that is certainly not burdensome.

Mr. Speaker, if this bill is passed it will

be the first weakening of the great Gun Control Act of 1968 so far as handguns concerned.

There was tremendous popular outcry in 1968 about the ease with which guns and ammunition could be sold in this country, following the tragic deaths of Robert F. Kennedy and Martin Luther King, Jr.

It was only as a result of that outcry that we finally got some modest legislation in this field. Then last year public interest began to wane and there was a weakening of the bill in relation to shotgun and other ammunition. It was carefully debated in the other body what the coverage of that exemption should be, whether it should go to .22-rimfire ammunition as well as shotgun ammunition. And the gentleman who led the fight against its inclusion was Senator EDWARD KENNEDY. This was appropriate because it was a .22-rimfire caliber bullet that killed Senator Robert F. Kennedy. I have checked that fact with the FBI, and that is a matter of record.

The committee report refers only to sporting ammunition, but we are talking here about ammunition to be used in pistols as well as rifles. In stores near here, you can buy—and we have checked this—various models of pistols that use .22-caliber rimfire ammunition. So this is a handgun ammunition proposal.

As I have said, there were no hearings on the bill. No one was given an opportunity to appear against it, and we do not know officially what the position of the department is. The Treasury Department may say they are against it, but the Treasury Department could reduce 90 percent of the reporting requirements by changing its own regulations.

We ought to have hearings on this legislation, Mr. Speaker. It is legislation that will have an enormous impact on the people of this country. They want strict gun-control legislation—at least they do in my district, I know. This is chipping away at the job we did in 1968.

Mr. Speaker, at this time I yield 5 minutes to the distinguished dean of the House and of our New York delegation, and the chairman of the Committee on the Judiciary (Mr. CELLER).

Mr. CELLER. Mr. Speaker, the Committee on the Judiciary spent months and months in session and to prepare the Gun Control Act for enactment, and now we see our work being destroyed gradually by these amendments.

This is the second time an amendment has been offered to weaken and to crumble the Gun Control Act which we passed 2 years ago.

What is the recordkeeping that the statute requires? It is very simple. There is nothing intricate about it. The statute requires the dealer to obtain the name, age, and residence of the purchaser. These can be verified from a draft card, or a drivers' license. Prudent commercial businessmen require nothing less to cash a personal check.

Now why should records be kept of ammunition purchases? Unless there are some controls over ammunition, there can be no control over firearms such as revolvers and pistols. Without ammunition the gun is about as useless as a scabbard without a sword.

There is no hardship, none whatsoever in asking these simple questions. Now this amendment to the Gun Control Act comes forward to eliminate recordkeeping with reference to .22 caliber rim fire ammunition which is interchangeable for rifles and revolvers and handguns. It may be used sometimes for sporting purposes. But the ammunition is also used in handguns for no sporting or recreational purpose. It is used for crime and for personal assault.

What kind of a gun was it that killed Robert Kennedy? It was a revolver with a .22 caliber rim fire bullet—that is what killed Robert Kennedy. Many other murders have been committed with that kind of bullet. Yet, the bill (H.R. 14233) would do away with any recordkeeping requirements.

There are approximately 100 million guns in private hands in this country. How in the world are you going to be able to exercise any control over the use of those guns in the possession of all kinds of people unless you regulate the acquisition of ammunition.

The Gun Control Act of 1968 prohibits the sale of ammunition to mental incompetents, to know felons, to drug addicts and to other irresponsible persons. It prohibits the sale of rifle ammunition to persons under 18; and revolver ammunition to persons under 21.

But the amendment proposed by H.R. 14233 would eliminate recordkeeping requirements for .22 caliber ammunition and render these prohibitions unenforceable.

Recordkeeping deters those who cannot legally buy ammunition. It also requires those who sell ammunition to exercise a higher degree of care in ammunition transactions.

One way of reducing the potential danger from the 100 million privately owned firearms is to regulate ammunition transactions. Moreover, ammunition transactions data will provide the Congress with information necessary to determine whether further legislation is in fact required.

As to the question of the value of ammunition recordkeeping for the purposes of law enforcement? Let me tell you some interesting facts.

The Gun Control Act has been effective only since December 16, 1968. The opinions expressed by the Treasury officials to the Committee on Ways and Means, as they have been exemplified by the gentleman from Oregon cannot—and I repeat—cannot be substantiated on the basis of such a limited experience. We are not even told the names of the gentlemen from the Treasury Department and we are not even told the names of the gentleman from the Department of Justice who made this kind of statement. There were no public hearings on this bill. A bill as important as this should have had hearings and I am not saying this in derogation of the very distinguished gentleman from Oregon when I say that.

A survey by a Senate Judiciary Subcommittee of ammunition recordkeeping in two nearby Maryland gun shops reveal that known felons and those with criminal arrest records have gone outside the District of Columbia, where they cannot legally buy ammunition in order to buy

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SENATE

5. FLOOR ACTION.

Passed without amendment H. R. 10342, establishing the Chesapeake and Ohio Canal National Historical Park. This bill now goes to the President. pp. S21114-6

Passed with amendment H. R. 10482, establishing the Voyageurs National Park. p. S21116-8

Agreed to the conference report on S. 1181, providing authority for promotion programs for milk, tomatoes, and potatoes. pp. S21055-6

Agreed to the House amendments to S. 11, proposed Intergovernmental Personnel Act of 1970. This bill now goes to the President. pp. S21092-100

Continued debate and consideration of H. R. 17550, proposed social security amendments. pp. S21072-89, S21112

6. GRAZING FEES. Sen. Hansen expressed concern over the increase in grazing fees noting it could mean the difference between staying in or going out of business to small operators. p. S21077

7. FOOD STAMPS. Sen. McGovern inserted a newspaper article noting that the House conferees "have adamantly refused compromise" and that he plans to seek to have the present authorization continued rather than accept the Poage bill. pp. S21173-4

8. ADJOURNED. Until Monday, December 28. p. S21180

EXTENSION OF REMARKS

9. SAVINGS BONDS. Rep. Arends urged all to "Take Stock in America" as he discussed the forthcoming 1971 Savings Bonds campaign. p. E10623

10. GYPSY MOTH. Rep. Goodling included an article "Pennsylvania -- Future Battleground of the Gypsy Moth" as he called attention to the hazard of the gypsy moth in relation to the forests of Pennsylvania. pp. E10629-30

BILLS INTRODUCED

11. FISH; ASSISTANCE. H. R. 20008, by Rep. Pickle, to authorize the Secretary of Agriculture to establish a program to enable individuals to enter into, and engage in, the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance and research; to the Committee on Merchant Marine and Fisheries

BILLS APPROVED BY THE PRESIDENT

12. COURT LEAVE. H. R. 12979, to grant court leave with pay to employees of the United States and the District of Columbia government when called as witnesses or jurors in judicial proceedings. Approved December 19, 1970 (P. L. 91-563).

13. AGRICULTURAL APPROPRIATIONS. H. R. 17923, fiscal year 1971 appropriations for the Department of Agriculture. Approved December 22, 1970 (P. L. 91-566).

the Committee on Foreign Relations, did not sign the report. I am satisfied that others would not have done so except for our assurance that the other measure would be so worded as to bring about the conditions for which we all hope.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. BAYH. The Senator from Indiana has the greatest respect for the Senator from Vermont. He knows how closely the distinguished Senator has followed this entire debate and controversy. Is it fair for the Senator from Indiana to ask his friend, the Senator from Vermont, whether the Senator from Vermont feels safe in voting for this conference report? Does he intend to vote for the conference report?

Mr. AIKEN. Yes, because the Senator from Vermont cannot at this time prove that the reports coming over the ticker and that are heard orally around this place are true. But I can assure the Senator from Indiana that the credibility of the administration is at stake.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. AIKEN. I yield.

Mr. STENNIS. The Senator made reference to reports coming over the ticker about this—

Mr. AIKEN. That is correct.

Mr. STENNIS. The news ticker, saying that the Appropriations Committee had repudiated the agreement?

Mr. AIKEN. In effect, yes.

Mr. MANSFIELD. If the Senator will yield, I rather doubt that there was an agreement as such. I think there may have been contacts. I would take the word of the Senator from Louisiana (Mr. ELLENDER).

Mr. AIKEN. I have talked with Senator ELLENDER.

Mr. STENNIS. Mr. President, I was not doubting the word of anyone. I do not know what the agreement was. I was not in on it. But I do not think we ought to say on the floor of the Senate that the committee has repudiated an agreement unless that is an established fact. It is just a news ticker impression.

Mr. AIKEN. I am not saying that they have. I certainly hope they will keep their agreement, even though it was not signed, sealed and written. I wanted understood—if such an event happens—the conditions under which the Senate conferees signed the report.

Mr. STENNIS. I thank the Senator.

Mr. AIKEN. I am not accusing anyone of anything, but I want the record to be clear.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I am very interested to know whether the statement made by the managers on the part of the House, which is now before the Senate on this Cambodian matter, would or would not contemplate the existence of what is called the MAG—that is, a Military Assistance Group—in Cambodia. There is much concern here that once one of these Military Assistance Groups is put in, it is the beginning of a chain of action that leads to troops.

The particular statement on the part of the managers relates to U.S. military personnel provided to supervise the distribution and care of U.S. military supplies and equipment delivered to Cambodia.

That can be done, of course, by individuals operating out of the military section of the embassy or by a MAG.

Mr. MANSFIELD. It is my understanding that it does not include a MAG, that it will be done by the military attachés in the Embassy.

Mr. JAVITS. I thank the Senator.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SPARKMAN. I am glad the Senator brought that up. As a matter of fact, I was going to bring it up.

Of course, the Senator knows that the managers on the part of the Senate do not file a report or a statement. The managers on the part of the House do.

I am certain that the Senator will agree with me that their statement does not necessarily constitute law. That just happens to be a unilateral interpretation that they have given to this, and we certainly had nothing of this in mind. In fact, I believe it was clearly stated in our discussions in the committee that this work would be handled by aides out of the Embassy.

Mr. JAVITS. That is the important point.

Mr. SPARKMAN. They have it, for one thing, in the latter part, where it refers to training Cambodians in South Vietnam. There is nothing in the measure that would point this up or that would dispute it. It is my understanding that we are doing that now. This measure, as I interpret it, does not affect that.

Mr. JAVITS. I should like to say to the Senator that I support the conference report, that I think they have rendered the country a great service in settling this matter.

I understand Senator AIKEN's worries, and I agree with him. But I believe that, as we talked originally in an effort to settle this matter, when things lean on each other, they probably will work out. We have many other recourses if they do not.

Mr. SPARKMAN. Speaking of these reports, I think it is understandable that reports of different kinds and rumors get out. During the last several days, under the management of our coach and general manager, we have had many conferences—sometimes several conferences in the same day—and it is very easy for rumors or reports to get out which do not necessarily state the true conditions.

Mr. JAVITS. I think it is important for the Senate that Senator SPARKMAN and Senator MANSFIELD express it authoritatively, that this language does not indicate the existence of any understanding that there will be a MAG; but, on the contrary, that an understanding does exist that if any military personnel are required, it will be personnel operating out of the military section of the embassy.

Mr. SPARKMAN. Of course, the effect of a statement such as this, or a statement by one of us, if we made it, would

affect the legislation only in the event that it is ambiguous. I do not think the proposed legislation is ambiguous. Certainly, we threshed it out thoroughly on the floor of the Senate when we were debating the measure. I think it is clear and can be understood easily.

Mr. JAVITS. I think the Senator has made a fine record on it, and I thank him very much.

Mr. AIKEN. Mr. President, may I add that in the RECORD of December 21, 1970, Senator Church interpreted and explained the situation and included in his remarks a letter from Secretary Rogers in which he states that the bill we are now considering, the Senate bill, which contains the Cooper-Church amendment, in no way conflicts with the administration's programs. The complete colloquy is there.

Mr. COOPER. Mr. President, from the interpretation pursued by the Senator from New York (Mr. JAVITS), I think it is clear that section 7 on page 2 of the conference report is determinative of what the conferees intended and which the President shall observe with respect to the use of ground forces or advisers. The Senator from Idaho (Mr. CHURCH), who has worked so faithfully to achieve this end, is not here now, but I am happy to say for him that this was the kind of agreement he desired and would support and I am happy to support the report. I also received a letter from the Secretary of State on December 19 which is, in substance, the same as that received by Senator CHURCH. I ask unanimous consent to place his letter in the RECORD at this point. I thank Senator SPARKMAN and the conferees for what they have done. I would like to say also that the Secretary of State and the administration deserve great credit for the important role they have played.

I ask unanimous consent to insert in the RECORD the letter of the Secretary of State, dated December 19, 1970:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, D.C., December 19, 1970.
HON. JOHN SHERMAN COOPER,
U.S. Senate.

DEAR SENATOR COOPER: Following the conversations over a period of time that Assistant Secretary Abshire and I have had with you, I should like to reaffirm that the Administration's programs, policies and intentions in Cambodia in no way conflict with Section 6 of H.R. 11901.

Sincerely yours,

WILLIAM P. ROGERS.

Mr. COOPER. On December 15, in a colloquy with Senator CHURCH, the distinguished chairman of the Armed Services Committee, Mr. STENNIS, expressed well the intent of the Cooper-Church amendment with regard to the responsibilities of the President to protect U.S. troops along the Cambodian border of South Vietnam. I quote a passage between Senator CHURCH and Senator STENNIS that helps define those responsibilities:

Mr. STENNIS. It seems to me that the colloquy has made it clear that this language does not take any of the responsibility nor the power away from the President of the

United States to do what he thinks is reasonably necessary, within reasonable limitations of time, in destroying arsenals, armories, armies, or anything else that is in close proximity to our borders, which we have designated by the general term "sanctuaries," as in the past.

The PRESIDING OFFICER. The question is on adoption of the conference report to H.R. 19971.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTROYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL), the Senator from Illinois (Mr. STEVENSON), the Senator from Georgia (Mr. TALMADGE), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

On this vote, the Senator from Washington (Mr. MAGNUSON) is paired with the Senator from Michigan (Mr. HART). If present and voting, the Senator from Washington would vote "yea" and the Senator from Michigan would vote "nay."

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH) and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Texas (Mr. TOWER) is necessarily absent because of death in his family.

I further announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. JORDAN), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from South Dakota (Mr. MUNDT), the Senator from

California (Mr. MURPHY), the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 41, nays 20, as follows:

[No. 444 Leg.]

YEAS—41

Alken	Fannin	Packwood
Allen	Fong	Pastore
Baker	Griffin	Percy
Bayh	Gurney	Prouty
Bennett	Hansen	Schweiker
Brooke	Holland	Scott
Byrd, Va.	Hollings	Smith
Cannon	Hruska	Sparkman
Case	Javits	Spong
Cook	Mathias	Stennis
Cooper	McGee	Stevens
Cranston	McIntyre	Williams, Del.
Curtis	Miller	Young, N. Dak.
Dole	Muskie	

NAYS—20

Byrd, W. Va.	Mansfield	Randolph
Fulbright	McCarthy	Ribicoff
Goodell	McClellan	Symington
Gravel	McGovern	Williams, N.J.
Harris	Mondale	Yarborough
Hughes	Nelson	Young, Ohio
Kennedy	Proxmire	

NOT VOTING—39

Allott	Ervin	Montoya
Anderson	Goldwater	Moss
Bellmon	Gore	Mundt
Bible	Hart	Murphy
Boggs	Hartke	Pearson
Burdick	Hatfield	Pell
Church	Inouye	Russell
Cotton	Jackson	Saxbe
Dodd	Jordan, N.C.	Stevenson
Dominick	Jordan, Idaho	Talmadge
Eagleton	Long	Thurmond
Eastland	Magnuson	Tower
Ellender	Metcalfe	Tydings

So the conference report was agreed to.

CONTINGENT ORDER FOR PRO FORMA SESSION ON THURSDAY, DECEMBER 24, 1970, AND FOR ADJOURNMENT FROM DECEMBER 24 TO DECEMBER 28

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, if no concurrent resolution is received from the House of Representatives, the Senate stand in adjournment until 10 o'clock Thursday morning next, for the purpose of a pro forma meeting only, with no business, just a gavel up and down.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I further ask unanimous consent that if we do come in on a pro forma basis next Thursday, that on that day we stand in adjournment until the hour of 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that if a concurrent resolution from the House of Representatives seeking to do what the Senate has already done is received, it supersede the order that has just been granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 1626) to regulate the practice of psychology in the District of Columbia, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McMILLAN, Mr. FUQUA, Mr. CABELL, Mr. NELSEN, Mr. BROYHILL of Virginia, and Mr. WINN were appointed managers on the part of the House at the conference.

INTERGOVERNMENTAL PERSONNEL ACT OF 1970

Mr. MUSKIE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 11.

The PRESIDING OFFICER (Mr. GRAVEL) laid before the Senate the amendment of the House of Representatives to the bill (S. 11) to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government and State and local governments, and for other purposes which was to strike out all after the enacting clause, and insert:

That this Act be cited as the "Intergovernmental Personnel Act of 1970."

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

That effective State and local governmental institutions are essential in the maintenance and development of the federal system in an increasingly complex and interdependent society.

That, since numerous governmental activities administered by the State and local governments are related to national purpose and are financed in part by Federal funds, a national interest exists in a high caliber of public service in State and local governments.

That the quality of public service at all levels of government can be improved by the development of systems of personnel administration consistent with such merit principles as—

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political af-

affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

Sec. 3. The authorities provided by this Act shall be administered in such manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

DECLARATION OF PURPOSE

Sec. 101. The purpose of this title is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this Act.

ADVISORY COUNCIL

Sec. 102. (a) Within one hundred and eighty days following the date of enactment of this Act, the President shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an advisory council on intergovernmental personnel policy. The President may terminate the council at any time after the expiration of three years following its establishment.

(b) The advisory council of not to exceed fifteen members, shall be composed primarily of officials of the Federal Government and State and local governments, but shall also include members selected from educational and training institutions or organizations, public employee organizations, and the general public. At least half of the governmental members shall be officials of State and local governments. The President shall designate a Chairman and a Vice Chairman from among the members of the advisory council.

(c) It shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

(d) Members of the advisory council who are not regular full-time employees of the United States, while serving on the business of the council, including travel time, may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business, all members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703

of title 5, United States Code, for individuals in the Government service employed intermittently.

REPORTS OF ADVISORY COUNCIL

Sec. 103. (a) The advisory council on intergovernmental personnel policy shall from time to time report to the President and to the Congress its findings and recommendations.

(b) Not later than eighteen months after its establishment, the advisory council shall submit an initial report on its activities, which shall include its views and recommendations on—

(1) the feasibility and desirability of extending merit policies and standards to additional Federal-State grant-in-aid programs;

(2) the feasibility and desirability of extending merit policies and standards to grant-in-aid programs of a Federal-local character;

(3) appropriate standards for merit personnel administration, where applicable, including those established by regulations with respect to existing Federal grant-in-aid programs; and

(4) the feasibility and desirability of financial and other incentives to encourage State and local governments in the development of comprehensive systems of personnel administration based on merit principles.

(c) In transmitting to the Congress reports of the advisory council, the President shall submit to the Congress proposals of legislation which he deems desirable to carry out the recommendations of the advisory council.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

DECLARATION OF PURPOSE

Sec. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

Sec. 202. (a) The United States Civil Service Commission (hereinafter referred to as the "Commission") is authorized to make grants to a State for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects contained within the State's application are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen personnel administration in that State government or in local governments of that State. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

(b) An application for a grant shall be made at such time or times, and contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor—

(1) provides for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the approval program or project at the State level;

(2) provides for the establishment of merit personnel administration where appropriate and the further improvement of existing systems based on merit principles;

(3) provides for specific personnel administration improvement needs of the State government and, to the extent appropriate, of the local governments in that State, in-

cluding State personnel administration services for local governments;

(4) provides assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and

(5) sets forth clear and practicable actions for the improvement of particular aspects of personnel administration such as—

(A) establishment of statewide personnel systems of general or special functional coverage to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(B) making State grants to local governments to strengthen their staffs by improving their personnel administration;

(C) assessment of State and local government needs for professional, administrative, and technical manpower, and the initiation of timely and appropriate action to meet such needs;

(D) strengthening one or more major areas of personnel administration, such as recruitment and selection, training and development, and pay administration;

(E) undertaking research and demonstration projects to develop and apply better personnel administration techniques, including both projects conducted by State and local government staffs and projects conducted by colleges or universities or other appropriate nonprofit organizations under grants or contracts;

(F) strengthening the recruitment, selection, assignment, and development of handicapped persons, women, and members of disadvantaged groups whose capacities are not being utilized fully;

(G) training programs related directly to upgrading within the agency for nonprofessional employees who show promise of developing a capacity for assuming professional responsibility;

(H) achieving the most effective use of scarce professional, administrative, and technical manpower; and

(I) increasing intergovernmental cooperation in personnel administration, with respect to such matters as recruiting, examining, pay studies, training, education, personnel interchange, manpower utilization, and fringe benefits.

LOCAL GOVERNMENT PROGRAMS AND GRANTS

Sec. 203. (a) The Commission is authorized to make grants to a general local government, or a combination of general local governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local government or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen the personnel administration of such governments. Such a grant may not be made—

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of personnel administration in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government

concerned with respect to those aspects of personnel administration covered in the approved plan, it is submitting an application; or

(2) after the State concerned has a statewide plan which has been developed by an appropriate State agency designated or established pursuant to State law which provides such agency with adequate authority, administrative organization, and staffing to develop and administer such a statewide plan, and to provide technical assistance and other appropriate support in carrying out the local components of the plan, and which provides procedures insuring adequate involvement of officials of affected local governments in the development and administration of such a statewide plan, unless the local government concerned has special, unique, or urgent problems which are not met by the approved statewide plan and for which it submits an application for funds to be distributed under section 506(a).

Upon the request of a Governor or chief executive authority, a grant to a general local government or combination of such governments in that State may not be made during a period not to exceed ninety days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later: *Provided*, That the request of the Governor or chief executive authority indicates that he is developing a plan under (1) above, or during a period not to exceed one hundred and eighty days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later, provided the request of the Governor or chief executive authority indicates that he is developing a statewide plan under (2) above.

(b) An application for a grant from a general local government or a combination of general local governments shall be made at such time or times and shall contain such information as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor meets requirements similar to those established in section 202(b) of this Act for a State application for a grant, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (c) of this section. Such a grant may cover the costs of developing the program or project covered by the application. The Commission may make grants to general local governments, or combinations of such governments, that serve a population of less than fifty thousand, if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special problems in personnel administration related to such programs or projects.

(c) An application to be submitted to the Commission under subsection (b) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review, comments, and recommendations. The Governor may refer the application to the State office designated under section 202(b) (1) of this Act for review. Comments and recommendations (if any) made as a result of the review, and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor shall accompany the application to the Commission. The application need not be accompanied by the comments and recommendations of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and comment for a period of sixty days without comment by the Governor. An explanation in writing shall be sent to the

Governor of a State by the Commission whenever the Commission does not concur with recommendations of the Governor in approving any local government applications.

INTERGOVERNMENTAL COOPERATION IN RECRUITING AND EXAMINING

SEC. 204. (a) The Commission may join, on a shared-costs basis, with State and local governments in cooperative recruiting and examining activities under such procedures and regulations as may jointly be agreed upon.

(b) The Commission also may, on the written request of a State or local government and under such procedures as may be jointly agreed upon, certify to such governments from appropriate Federal registers the names of potential employees. The State or local government making the request shall pay the Commission for the costs, as determined by the Commission, of performing the service, and such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

TECHNICAL ASSISTANCE

SEC. 205. The Commission may furnish technical advice and assistance, on request, to State and general local governments seeking to improve their systems of personnel administration. The Commission may waive, in whole or in part, payments from such governments for the costs of furnishing such assistance. All such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

COORDINATION OF FEDERAL PROGRAMS

SEC. 206. The Commission, after consultation with other agencies concerned, shall—

(1) coordinate the personnel administration support and technical assistance given to State and local governments and the support given State programs or projects to strengthen local government personnel administration, including the furnishing of needed personnel administration services and technical assistance, under authority of this Act with any such support given under other Federal programs; and

(2) make such arrangements, including the collection, maintenance, and dissemination of data on grants for strengthening State and local government personnel administration and on grants to States for furnishing needed personnel administration services and technical assistance to local governments, as needed to avoid duplication and insure consistent administration of related Federal activities.

INTERSTATE COMPACTS

SEC. 207. The consent of the Congress is hereby given to any two or more States to enter into compacts or other agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance (including the establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of State and local governments.

TRANSFER OF FUNCTIONS

SEC. 208. (a) There are hereby transferred to the Commission all functions, powers, and duties of—

(1) the Secretary of Agriculture under section 10(e) (2) of the Food Stamp Act of 1964 (7 U.S.C. 2019(e) (2));

(2) the Secretary of Labor under—

(A) the Act of June 6, 1933, as amended (29 U.S.C. 49 et seq.); and

(B) section 303(a) (1) of the Social Security Act (42 U.S.C. 503(a) (1));

(3) the Secretary of Health, Education, and Welfare under—

(A) sections 134(a) (6) and 204(a) (6) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 (42 U.S.C. 2674(a) (6) and 2684(a) (6));

(B) section 303(a) (6) of the Older Americans Act of 1965 (42 U.S.C. 3023(a) (6));

(C) sections 314(a) (2) (F) and (d) (2) (F) and 604(c) (8) of the Public Health Service Act (42 U.S.C. 246 (a) (2) (F) and (d) (2) (F) and 291d(a) (8)); and

(D) sections 2(a) (5) (A), 402(a) (5) (A), 505(a) (3) (A), 1002(a) (5) (A), 1402(a) (5) (A), 1602(a) (5) (A), and 1902(a) (4) (A) of the Social Security Act (42 U.S.C. 302(a) (5) (A), 602(a) (5) (A), 705(a) (3) (A), 1202(a) (5) (A), 1352(a) (5) (A), 1382(a) (5) (A), and 1396a(a) (4) (A); and

(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grant-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program; insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) The Commission shall—

(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed by the Commission under subsection (a) of this section; and

(2) advise Federal agencies administering programs of grants or financial assistance as to the application of required personnel administration standards, and recommend and coordinate the taking of such actions by the Federal agencies as the Commission considers will most effectively carry out the purpose of this title.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of any Federal agency employed, used, held, available, or to be made available in connection with the functions, powers, and duties vested in the Commission by this section as the Director of the Management and Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

(d) Personnel standards prescribed by Federal agencies under laws and regulations referred to in subsection (a) of this section shall continue in effect until modified or superseded by standards prescribed by the Commission under subsection (a) of this section.

(e) Any standards or regulations established pursuant to the provisions of this section shall be such as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own individual systems of personnel administration.

(f) Nothing in this section or in section 202 or 203 of this Act shall be construed to—

(1) authorize any agency or official of the Federal Government to exercise any authority, direction, or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee;

(2) authorize the application of personnel standards on a merit basis to the teaching personnel of educational institutions or school systems;

(3) prevent participation by employees or employee organizations in the formulation of policies and procedures affecting the conditions of their employment, subject to the laws and ordinances of the State or local government concerned;

(4) require or request any State or local government employee to disclose his race, religion, or national origin, or the race, religion, or national origin, of any of his forebears;

(5) require or request any State or local government employee, or any person applying for employment as a State or local government employee, to submit to any interrogation or examination or to take any psycho-

logical test or any polygraph test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters; or

(6) require or request any State or local government employee to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(g) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 301. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

SEC. 302. (a) In accordance with such conditions as may be prescribed by the head of the Federal agency concerned, a Federal agency may admit State and local government employees and officials to agency training programs established for Federal professional, administrative, or technical personnel.

(b) Federal agencies may waive, in whole or in part, payments from, or on behalf of, State and local governments for the costs of training provided under this section. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

(c) The Commission may use appropriations authorized by this Act to pay the initial additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

SEC. 303. (a) If in its judgment training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and general local governments for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs, on the certification of the Governor of that State, or the mayor or chief executive officer of the general local government, that the programs are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such grants may not be used to cover costs of full-time graduate-level study, provided for in section 305 of this Act, or the costs of the construction or acquisition of training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in developing and carrying

out training and education programs for their personnel.

(b) An application for a grant from a State or general local government shall be made at such time or times, and shall contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section, only if the application therefor meets requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grant to a State, or to a general local government under subsection (c) of this section, may cover the costs of developing the program covered by the application. The program covered by the application shall—

(1) provide for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the program at the State level;

(2) provide, to the extent feasible, for coordination with relevant training available under or supported by other Federal Government programs or grants;

(3) provide for training needs of the State government and of local governments in that State;

(4) provide, to the extent feasible, for intergovernmental cooperation in employee training matters, especially within metropolitan or regional areas; and

(5) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local governmental expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes.

(c) A grant authorized by subsection (a) of this section may be made to a general local government, or a combination of such governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local government or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such a grant may not be made—

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of training in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government concerned with respect to those aspects of training covered in the approved plan, it is submitting an application; or

(2) after the State concerned has a statewide plan which has been developed by an appropriate State agency designated or established pursuant to State law which provides such agency with adequate authority, administrative organization, and staffing to develop and administer such a statewide plan, and to provide technical assistance and other appropriate support in carrying out the local components of the plan, and which provides procedures insuring adequate involvement of officials of affected local governments in the development and administration of such a statewide plan, unless the local government concerned has special, unique, or urgent problems which are not met by the approved statewide plan and for

which it submits an application for funds to be distributed under section 506(a).

Upon the request of a Governor or chief executive authority, a grant to a general local government or combination of such governments in that State may not be made during a period not to exceed ninety days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later: *Provided*, That the request of the Governor or chief executive authority indicates that he is developing a plan under (1) above, or during a period not to exceed one hundred and eighty days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later, provided the request of the Governor or chief executive authority indicates that he is developing a statewide plan under (2) above. To be approved, an application for a grant under this subsection must meet requirements similar to those established in subsection (b) of this section for State applications, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (d) of this section. The Commission may make grants to general local governments, or combinations of such governments that serve a population of less than fifty thousand if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special needs for personnel training and education related to such programs or projects.

(d) An application to be submitted to the Commission under subsection (c) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review, comments, and recommendations. The Governor may refer the application to the State office designated under section 303(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor shall accompany the application to the Commission. The application need not be accompanied by the comments and recommendations of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and comment for a period of sixty days without comment by the Governor. An explanation in writing shall be sent to the Governor of a State by the Commission whenever the Commission does not concur with recommendations of the Governor in approving any local government applications.

GRANTS TO OTHER ORGANIZATIONS

SEC. 304. (a) The Commission is authorized to make grants to other organizations to pay up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, up to 50 per centum) of the costs of providing training to professional, administrative, or technical employees and officials of State or local governments if the Commission—

(1) finds that State or local governments have requested the proposed program;

(2) determines that the capability to provide such training does not exist, or is not readily available, within the Federal or the State or local governments requesting such program or within associations of State or local governments, or if such capability does exist that such government or association is not disposed to provide such training; and

(3) approves the program as meeting such requirements as may be prescribed by the

Commission in its regulations pursuant to this Act.

(b) For the purpose of this section "other organization" means—

(1) a national, regional, statewide, area-wide, or metropolitan organization, representing member State or local governments;

(2) an association of State or local public officials; or

(3) a nonprofit organization one of whose principal functions is to offer professional advisory, research, development, educational or related services to governments.

GOVERNMENT SERVICE FELLOWSHIPS

SEC. 305. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government Service Fellowships for State and local government personnel. The grants may cover—

(1) the necessary costs of the fellowship recipient's books, travel, and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable federally supported programs for each fellow, less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.

(c) The State or local government concerned shall—

(1) select the individual recipients of the fellowships;

(2) during the period of the fellowship, continue the full salary of the recipient and normal employment benefits such as credit for seniority, leave accrued, retirement, and insurance; and

(3) make appropriate plans for the utilization and continuation in public service of employees completing fellowships and outline such plans in the application for the grant.

COORDINATION OF FEDERAL PROGRAMS

SEC. 306. The Commission, after consultation with other agencies concerned, shall—

(1) prescribe regulations concerning administration of training for employees and officials of State and local governments provided for in this title, including requirements for coordination of and reasonable consistency in such training programs;

(2) coordinate the training support given to State and local governments under authority of this Act with training support given such governments under other Federal programs; and

(3) make such arrangements, including the collection and maintenance of data on training grants and programs, as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities, with particular regard to title IX of the Higher Education Act of 1965.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 402. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"§ 3371. Definitions

"For the purpose of this subchapter—

"(1) 'State' means—

"(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

"(2) 'local government' means—

"(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

"(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

"§ 3372. General provisions

"(a) On request from or with the concurrence of a State or local government, and with the consent of the employee concerned, the head of an executive agency may arrange for the assignment of—

"(1) an employee of his agency to a State or local government; and

"(2) an employee of a State or local government to his agency;

for work of mutual concern to his agency and the State or local government that he determines will be beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of an executive agency may extend the period of assignment for not more than two additional years.

"(b) This subchapter is authority for and applies to the assignment of—

"(1) an employee of an executive agency to an institution of higher education; and

"(2) an employee of an institution of higher education to an executive agency.

"§ 3373. Assignment of employees to State and local governments

"(a) An employee of an executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

"(1) on detail to a regular work assignment in his agency; or

"(2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the executive agency and the State or local government concerned.

"(b) The assignment of an employee of an executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay, or supplemental pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the executive agency used for paying the travel and transportation expenses or pay.

"(c) For any employee so assigned and on leave without pay—

"(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had

he continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

"(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

"(3) he is entitled, notwithstanding other statutes—

"(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employees' Life Insurance Fund and the Employee's Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions;

"(B) to credit the period of his assignment under this subchapter toward periodic step-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat his service during that period as service of the type performed in the agency immediately before his assignment; and

"(C) for the purpose of subchapter I of chapter 85 of this title, to credit the service performed during the period of his assignment under this subchapter as Federal service, and to consider his State or local government pay (and his supplemental pay, if any) as Federal wages. To the extent that the service could also be the basis for entitlement to unemployment compensation under a State law, the employee may elect to claim unemployment compensation on the basis of the service under either the State law or subchapter I of chapter 85 of this title.

However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar. The executive agency shall deposit currently in the Employee's Life Insurance Fund, the Employee's Health Benefits Fund or other applicable health benefits system, respectively, the amount of the Government's contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

"(d) (1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such fur-

ther time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter III of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

"(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

"(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

"(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

"§ 3374. Assignments of employees from State or local governments

"(a) An employee of a State or local government who is assigned to an executive agency under an arrangement under this subchapter may—

"(1) be appointed in the executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the assignment; or

"(2) be deemed on detail to the executive agency.

"(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed an employee of the executive agency for all purposes except—

"(1) subchapter III of chapter 83 of this title or other applicable retirement system;

"(2) chapter 87 of this title; and

"(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

"(c) During the period of assignment, a State or local government employee on detail to an executive agency—

"(1) is not entitled to pay from the agency;

"(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18 section 638a of title 31 and the Federal Tort Claims Act and any other Federal tort liability statute; and

"(3) is subject to such regulations as the President may prescribe.

The supervision of the duties of such an employee may be governed by agreement between the executive agency and the State or local government concerned. A detail of a State or local government employee to an executive agency may be made with or without reimbursement by the executive agency for the pay, or a part thereof, of the employee during the period of assignment.

"(d) A State or local government employee who is given an appointment in an executive agency for the period of the assignment or who is on detail to an executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter

81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(e) If a State or local government fails to continue the employer's contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an executive agency, the employer's contributions covering the the State or local government employee's period of assignment, or any part thereof, may be made from the appropriations of the executive agency concerned.

"§ 3375. Travel expenses

"(a) Appropriations of an executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with—

"(1) subchapter I of chapter 57 of this title, for the expenses of—

"(A) travel, including a per diem allowance, to and from the assignment location;

"(B) a per diem allowance at the assignment location during the period of the assignment; and

"(C) travel, including a per diem allowance, while traveling on official business away from his designated post of duty during the assignment when the head of the executive agency considers the travel in the interest of the United States;

"(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

"(3) section 5724a(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

"(4) section 5724a(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty; and

"(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

"(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1)(C), may not be allowed in connection with the assignment of a Federal or State or local government employee under this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as a debt due to the United States. The head of the executive agency concerned may waive in whole or in part a right of recovery under this subsection with respect to a State or local government employee on assignment with the agency.

"(c) Appropriations of an executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local government employee assigned under this subchapter.

"§ 3376. Regulations

"The President may prescribe regulations for the administration of this subchapter."

(b) The analysis of chapter 33 of title 5, United States Code, is amended by inserting the following at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"Sec.

"3371. Definitions.

"3372. General provisions.

"3373. Assignments of employees to State or local governments.

"3374. Assignments of employees from State or local governments.

"3375. Travel expenses.

"3376. Regulations."

REPEAL OF SPECIAL AUTHORITIES

SEC. 403. The Act of August 2, 1956, as amended (7 U.S.C. 1881-1888), section 553 of the Act of April 11, 1965 as amended (20 U.S.C. 867), and section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) (less applicability to commissioned officers of the Public Health Service) are hereby repealed.

SEC. 404. This title shall become effective sixty days after the date of enactment of this Act.

TITLE V—GENERAL PROVISIONS

DECLARATION OF PURPOSE

SEC. 501. The purpose of this title is to provide for the general administration of titles I, II, III, and V of this Act (hereinafter referred to as "this Act"), and to provide for the establishment of certain advisory committees.

DEFINITIONS

SEC. 502. For the purpose of this Act—

(1) "Commission" means the United States Civil Service Commission;

(2) "Federal agency" means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) "local government" means a city, town, county, or other subdivision or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A "general local government" means a city, town, county, or comparable general-purpose political subdivision of a State.

GENERAL ADMINISTRATIVE PROVISIONS

SEC. 503. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

(b) The Commission shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of this Act.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission may—

(1) issue such standards and regulations as may be necessary to carry out the purposes of this Act;

(2) consent to the modification of any contract entered into pursuant to this Act, such consent being subject to any specific limitations of this Act;

(3) include in any contract made pursuant to this Act such covenants, conditions, or provisions as it deems necessary to assure that the purposes of this Act will be achieved; and

(4) utilize the services and facilities of any Federal agency, any State or local government, and any other public or nonprofit agency or institution, on a reimbursable basis or otherwise, in accordance with agreements between the Commission and the head thereof.

(d) In the performance of, and with respect to the functions, powers, and duties vested in it by this Act, the Commission—

(1) may collect information from time to time with respect to State and local government training programs and personnel administration improvement programs and projects under this Act, and make such information available to interested groups, organizations, or agencies, public or private;

(2) may conduct such research and make such evaluation as needed for the efficient administration of this Act;

(3) shall include in its annual report a report of the administration of this Act; and

(4) shall make such arrangements as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of the related Federal training activities, with particular regard to title I of the Higher Education Act of 1965.

(e) The provisions of this Act are not a limitation on existing authorities under other statutes but are in addition to any such authorities, unless otherwise specifically provided in this Act.

REPORTING REQUIREMENTS

SEC. 504. (a) A State or local government office designated to administer a program or project under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

(b) An organization which receives a training grant under section 304 of this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal grant funds and the operation of the training program as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 505. The Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

DISTRIBUTION OF GRANTS

SEC. 506. (a) The Commission shall allocate 20 per centum of the total amount available for grants under this Act in such manner as will most nearly provide an equitable distribution of the grants among States and between State and local governments, taking into consideration such factors as the size of the population, number of employees affected, the urgency of the programs or projects, the need for funds to carry out the purposes of this Act, and the potential of the governmental jurisdictions concerned to use the funds most effectively.

(b) (1) The Commission shall allocate 80 per centum of the total amount available for grants under this Act among the States on a weighted formula taking into consideration such factors as the size of population and the number of State and local government employees affected.

(2) The amount allocated for each State under paragraph (1) of this subsection shall be further allocated by the Commission to meet the needs of both the State government and the local governments within the State on a weighted formula taking into consideration such factors as the number of State and local government employees and

the amount of State and local government expenditures. The Commission shall determine the categories of employees and expenditures to be included or excluded, as the case may be, in the number of employees and amount of expenditures. The minimum allocation for meeting needs of local governments in each State (other than the District of Columbia) shall be 50 per centum of the amount allocated for the State under paragraph (1) of this subsection.

(3) The amount of any allocation under paragraph (2) of this subsection which the Commission determines, on the basis of information available to it, will not be used to meet needs for which allocated shall be available for use to meet the needs of the State government or local governments in that State, as the case may be, on such date or dates as the Commission may fix.

(4) The amount allocated for any State under paragraph (1) of this subsection which the Commission determines, on the basis of information available to it, will not be used shall be available for reallocation by the Commission from time to time, on such date or dates as it may fix, among other States with respect to which such a determination has not been made, in accordance with the formula set forth in paragraph (1) of this subsection, but with such amount for any of such other States being reduced to the extent it exceeds the sum the Commission estimates said State needs and will be able to use; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced.

(5) For the purposes of this subsection, "State" means the several States of the United States and the District of Columbia.

(c) Notwithstanding the other provisions of this section, the total of the payments from the appropriations for any fiscal year under this Act made with respect to programs or projects in any one State may not exceed an amount equal to 12½ per centum of such appropriation.

TERMINATION OF GRANTS

SEC. 507. Whenever the Commission, after giving reasonable notice and opportunity for hearing to the State or general local government concerned, finds—

(1) that a program or project has been so changed that it no longer complies with the provision of this Act; or

(2) that in the operation of the program or project there is a failure to comply substantially with any such provision; the Commission shall notify the State or general local government of its findings and no further payments may be made to such government by the Commission until it is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Commission may authorize the continuance of payments to those projects approved under this Act which are not involved in the noncompliance.

ADVISORY COMMITTEES

SEC. 508. (a) The Commission may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committee or committees as it may determine to be necessary to facilitate the administration of this Act.

(b) Members of advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees including traveltime may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

APPROPRIATION AUTHORIZATION

SEC. 509. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the programs authorized by this Act.

REVOLVING FUND

SEC. 510. Section 1304(e) of title 5, United States Code (relating to the revolving fund of the Civil Service Commission), is amended—

(1) by striking out "of \$4,000,000" in paragraph (1); and

(2) by inserting "which appropriations are hereby authorized" immediately before the semicolon at the end of paragraph (2)(A).

LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST SHARING

SEC. 511. Federal funds made available to State or local governments under other programs may not be used by the State or local government for cost-sharing purposes under grant provisions of this Act, except that Federal funds of a program financed wholly by Federal funds may be used to pay a pro-rata share of such cost sharing. State or local government funds used for cost sharing on other federally assisted programs may not be used for cost sharing under grant provisions of this Act.

METHOD OF PAYMENT

SEC. 512. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as the Commission may determine, with necessary adjustments on account of overpayments or underpayments.

EFFECTIVE DATE OF GRANT PROVISIONS

SEC. 513. Grant provisions of this Act shall become effective one hundred and eighty days following the date of enactment of this Act.

Mr. MUSKIE. Mr. President, S. 11, the Intergovernmental Personnel Act of 1970 represents the culmination of 5 years of continuous legislative activity by the Congress. Enactment of this bill will be a major step in the strengthening of our State and local governments through improved personnel administration and more efficient recruitment and training of personnel, particularly in the administrative, professional, and technical categories.

S. 11 can be traced back to the views and recommendations of the Municipal Manpower Commission, whose 1962 report pointed up the need to revitalize local governments through better use of vigorous, capable, and dedicated public servants.

Increased citizen demands for more and better public services have placed extraordinary strain upon State and local governments. We have delayed much too long in acting on the critical need of properly qualified public service personnel and in assisting State and local governments in meeting this need. Presently, too many positions at the State and local level requiring highly specialized personnel are filled by unqualified persons, because of a lack of funds and proper recruitment and training programs. It is this problem of governmental manpower needs which S. 11 would meet.

The real beginnings of this legislation stem from studies conducted by the Senate Subcommittee on Intergovernmental Relations during 1965 and 1966. In its report, "The Federal System as Seen by Federal Aid Officials," the subcommittee found the basic problem to be one

of tension among administrators and officials at various levels—tension created by the failure of State and local governments to upgrade the capability of their civil employees.

As a followup to this report, the subcommittee proposed S. 3408, the Intergovernmental Personnel Act of 1966. Extensive hearings were held on this proposal during the 89th Congress, and on S. 699 the same proposal, during the 90th Congress. S. 699 was passed by the Senate with a substantial majority, but the House never acted on the legislation.

S. 11, the Intergovernmental Personnel Act of 1970, which passed the Senate on October 27, 1969, is a strengthened version of the 1968 bill. It combines the best elements of the original legislation with improvements resulting from hearings held in the House earlier this year.

The principal provisions of S. 11, as passed by both the Senate and the House, will accomplish the following purposes:

First, the bill calls for the establishment of an advisory council on intergovernmental policy, whose members will be appointed from all levels of Government by the President. The purpose of this council will be to study and make recommendations concerning personnel policies and programs with a view to improving the personnel administration and training programs of State and local governments, and improving the coordination between all levels of government in the area of employment policies and practices.

Second, the bill would authorize the Civil Service Commission to make grants to State governments—and under certain circumstances to local governments—to cover a portion of the cost of developing and implementing programs to improve State and local personnel administration, to recruit and train State and local employees, and otherwise to carry out the purposes of the legislation. The Federal Government would bear up to 75 percent of the costs of these programs during the first 3 years after enactment, and up to 50 percent thereafter.

Third, the bill would authorize the Civil Service Commission to make grants to State and local governments to provide fellowships for graduate-level study to professional and technical employees of State and local governments. These fellowships would cover up to one quarter of the salary of persons selected for training under the programs as well as part of their tuition and fees for study at educational institutions.

Fourth, the bill authorizes the Civil Service Commission to establish joint recruiting and examining programs, on a shared-cost basis, under agreements with State and local governments. The bill would further authorize the Commission to prescribe regulations covering the training programs established under the legislation, and to make appropriate provisions to avoid duplication among Federal programs providing for the training of State and local government employees.

These are the basic provisions of the bill which were acceptable to both the House and the Senate. The differences between the Senate and House versions of S. 11 are minimal, and reflect agree-

ment on behalf of all of the objectives sought through the Senate version.

The basic issues dealt with in the House version of S. 11 are as follows:

First. The bill authorizes such sums as are necessary to allow requests for specific amounts consistent with budgetary requirements. The authorization is open-ended as to amount and duration. The Civil Service Commission estimates a request of \$20 million for the first year of operations under the act, \$30 million in the second year, and \$40 million annually thereafter.

Second. With regard to State and local government relations, the general effect of S. 11 is to place the Governor of each State in a strong executive position with respect to implementation of authorized programs, although without absolute veto authority. All applications under title I and II must be submitted to the Governor for review, comments and recommendations. At the same time, a city is assured that its application will reach the Commission with or without the Governor's recommendations and comments. If comments are made by the Governor and the Commission does not follow them, an explanation in writing must be given to the Governor. This permits full opportunity to develop a State plan with agreement of the local governments, while at the same time permitting local governments to apply for Federal assistance to local programs under certain circumstances.

Third. Provisions authorizing grants to train personnel employed in Federal grant-in-aid programs—set forth in the Senate bill—have been deleted by the House. The House feels that these provisions are objectionable inasmuch as they might appear to authorize Federal interference in State and local affairs. In large measure however, this capacity can be obtained under the terms of the many functional grant programs already established.

Fourth. S. 11, as passed by the Senate, provided for a revolving fund with which to finance programs. This provision has been dropped from the House version inasmuch as subsequent legislation enacted by this Congress, Public Law 91-189 provides for such a fund.

Fifth. S. 11, as passed by the Senate, also provided an exemption from conflict of interest requirements for public employees. This was to permit former Federal agency employees to seek employment in similar work with State and local governments. The Justice Department requested that this exemption be stricken from the bill since they saw no justification for exception to what are Government-wide policies.

Sixth. The House has amended the Senate bill to prohibit duplication of programs available under titles I and IX of the Higher Education Act of 1965, and has added provisions which would authorize training programs for non-professional employees, through use of on-the-job techniques.

S. 11, as thus modified by the House, is an improved bill. It has been endorsed by the National Governors' Conference, the Conference of Mayors, the National Association of Counties, and by the administration.

Before concluding, I should like to stress the cooperative and completely bipartisan spirit in which the legislation has been developed and brought before the Senate for final passage. Many, in both Houses, have worked together over a period of years to produce a bill which would be responsive to the personnel needs of our State and local governments, today and in years to come. Special recognition should be given to the senior Senator from South Dakota (Mr. MUNDT), who is the ranking minority member of the Subcommittee on Intergovernmental Relations and the parent Committee on Government Operations, for the deep interest he has taken in this work and for his proposals now incorporated in the measure we have before us.

Special mention should also be made of Chairmen John Macy and Robert E. Hampton of the Civil Service Commission who were most helpful in shaping the bill into its present form, and of Dr. David E. Walker, Assistant Director of the Advisory Commission on Intergovernmental Relations and Mr. Albert H. Aronson, Director, Office of State Merit Systems, Department of Health, Education, and Welfare, for their innovative suggestions.

Mr. President, I urge that the Senate agree to the House passed version of S. 11, the Intergovernmental Personnel Act of 1970. Its passage will mark a significant stride forward in the improvement of public administration in the United States.

Mr. President, I now move concurrence in the House version of S. 11.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. JAVITS. Mr. President, this is a very interesting bill which the Senate should know about. The bill proposes to train and help improve the quality of State and local governments' personnel, by offering the assistance of the Federal Government—both in terms of funds and actual technical assistance.

The PRESIDING OFFICER. The Senate will be in order. Even the Chair has difficulty in hearing.

The Senator may proceed.

Mr. JAVITS. Mr. President, I speak in connection with the bill only because the Senator from South Dakota (Mr. MUNDT), the ranking minority member of the committee, is ill, as we know, and I rise now only because I rank immediately after him. During the 90th Congress and the beginning of this Congress, the Senator from South Dakota had a very important hand with the Senator from Maine in working out this bill. I speak only because the Senator from South Dakota cannot be with us.

This is a very worthwhile effort to do something about upgrading the quality of training received by State personnel. This is a constructive bill and it took a long time to work out the problems. I gather the problems have now been worked out and that the Senator from Maine is now prepared to have the bill passed.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. PERCY. Mr. President, I wish to add one further point. The bill not only helps in connection with the existing conditions but it looks ahead to the future. State and local governments would be growing at such a rapid rate that they will have to recruit 2.5 million additional employees. This bill will supplement and implement the training of those people. Certainly, if we go into revenue sharing we will have to have skilled people at the State and local levels, and this bill will help in that regard.

Mr. JAVITS. Mr. President, will the Senator yield further for a question?

Mr. MUSKIE. I yield.

Mr. JAVITS. I wish to ask the Senator if he is satisfied with the bill as it now stands and with what he wants the Senate to do; and that it meets the compromise view of himself and the Senator from South Dakota (Mr. MUNDT).

Mr. MUSKIE. Yes. I would like to express my appreciation for the work which was done in connection with this bill during two Congresses by the Senator from South Dakota (Mr. MUNDT). In addition, we have had the full cooperation of the Civil Service Commission in both administrations and support from the Conference of Mayors, the League of Cities, and the National Association of County Hospitals. Everyone concerned has made an input and we have an excellent piece of legislation. I am delighted to accept the recommendations of the Senator from South Dakota.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

Mr. BROOKE. I have no intention of doing so.

ORDER OF BUSINESS

Mr. WILLIAMS of Delaware. Mr. President, earlier I made a suggestion which I thought would meet with the approval of most Senators. In talking with them I think a majority of the Members on both sides of the aisle are perfectly willing to take this action, which was to recommit the pending bill on social security, welfare, and trade, with instructions to delete those controversial proposals and report it back forthwith, but with nothing included except social security, medicare, and medicaid.

I was hoping we could get that decision tonight so Senators would know what our position will be on Monday. I was trying to get a vote on that proposal tonight.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. Mr. President, I hope the distinguished Senator from Delaware will offer his motion to recommit. I think it is very likely to carry, and it is entirely possible we could finish the social security bill Monday.

Mr. WILLIAMS of Delaware. Mr. President, I would be willing to agree to a limitation of time of 5 minutes or 10 minutes to a side. We have discussed the matter adequately, and we could vote in 10 minutes.

Mr. MUSKIE. Mr. President, this is a piece of legislation we can get out of the way. This is important legislation. The Senator from New York (Mr. JAVITS) has spoken several times on the floor of the Senate about its importance, including a colloquy with the distinguished majority leader last evening. We worked it out. It had not been as visible a problem as some of the other problems, but it is a real one. There have been many negotiations today to work out the problem of the Senator from Massachusetts, and we have the bill ready to go. I would like to move ahead with it today. This is a piece of legislation we could enact tonight in the Senate, and I would like to get it done.

Mr. RIBICOFF. Mr. President, in answer to the distinguished Senator from Delaware, I hope we do not act on this problem tonight for several reasons. First, the chairman of our committee is not present in Washington at this time. I do not know when to expect him. He is snowbound in New York. I think in due courtesy to the distinguished chairman no action should be taken until he is here.

The Senate should understand if we take action tonight on this proposal, for all practical purposes it would kill the family assistance plan without giving an opportunity to the Senate to vote on it.

The Senator from Delaware and I tried to work out the matter so that we would have had an opportunity to vote on family assistance and allow the Ribicoff-Bennett amendment to be open to amendment, but there was objection and we could not work it out.

I know the Senator is trying to bring about an expeditious decision on the basic issue.

I wonder if the Senator from Delaware would agree to put off the vote on the motion to recommit to a time certain on Monday.

Mr. WILLIAMS of Delaware. The only trouble is that we debated another matter from 9 a.m. until 3 p.m. today and at 3 p.m. we started on this matter. I hear so much enthusiasm on the part of Senators to bring this matter to a vote, I do not understand that when we get ready to vote there is a reluctance.

I would be willing to agree to vote at 5:30 p.m. Call the roll on this motion right now. The matter has been fully debated. We know what we are doing. I am ready to vote.

Mr. President, I ask unanimous consent that we vote at 5:30 p.m. on this proposal.

Mr. MUSKIE. Mr. President, I have listened all afternoon to much of the discussion on questions raised by the distinguished Senator from Delaware. I am in full sympathy with his desire to bring several of these issues to a head, but nothing has happened. This is something that can happen. I would like to proceed and get it out of the way.

If the pattern of the early afternoon is a precedent for what would happen now if I yielded, it would be 1 hour or an hour and a half from now and I would still be waiting to get action on this matter which could be disposed of in 45 minutes.

So with all respect to the Senator from Delaware, I would like to proceed with the discussion on this bill, which is the pending business, if I am correct.

The PRESIDING OFFICER. It is the pending business.

Mr. WILLIAMS of Delaware. I understand the Senator's position. I want the RECORD to show that we could vote at 5:30. I have been willing to vote since 3:30. Everybody talks about voting and nobody wants a rollcall. I think we should sit down and call the roll.

Mr. MUSKIE. The Senator has made my argument better than I could. I think we should get on with this legislation, which we can dispose of.

Mr. WILLIAMS of Delaware. Perhaps we can have a vote later in the evening.

Mr. MUSKIE. I hope so.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. MILLER. Did the Senator plan to ask for the yeas and nays?

Mr. MUSKIE. No, I had not planned to do that. One point that we will try to clarify in the debate is of concern to the Senator from Massachusetts. He has indicated he will not request a rollcall vote. I do not intend to, but any Senator who wants to can ask for a rollcall vote.

Mr. President, this bill, which comes back to us from conference, is the so-called broker-dealer insurance bill which I introduced on June 9, 1969. Events which have occurred since that time have made this legislation a matter, I think, of national urgency.

SECURITIES INVESTOR PROTECTION ACT OF 1970—CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges.

I ask unanimous consent for the present consideration of the report.

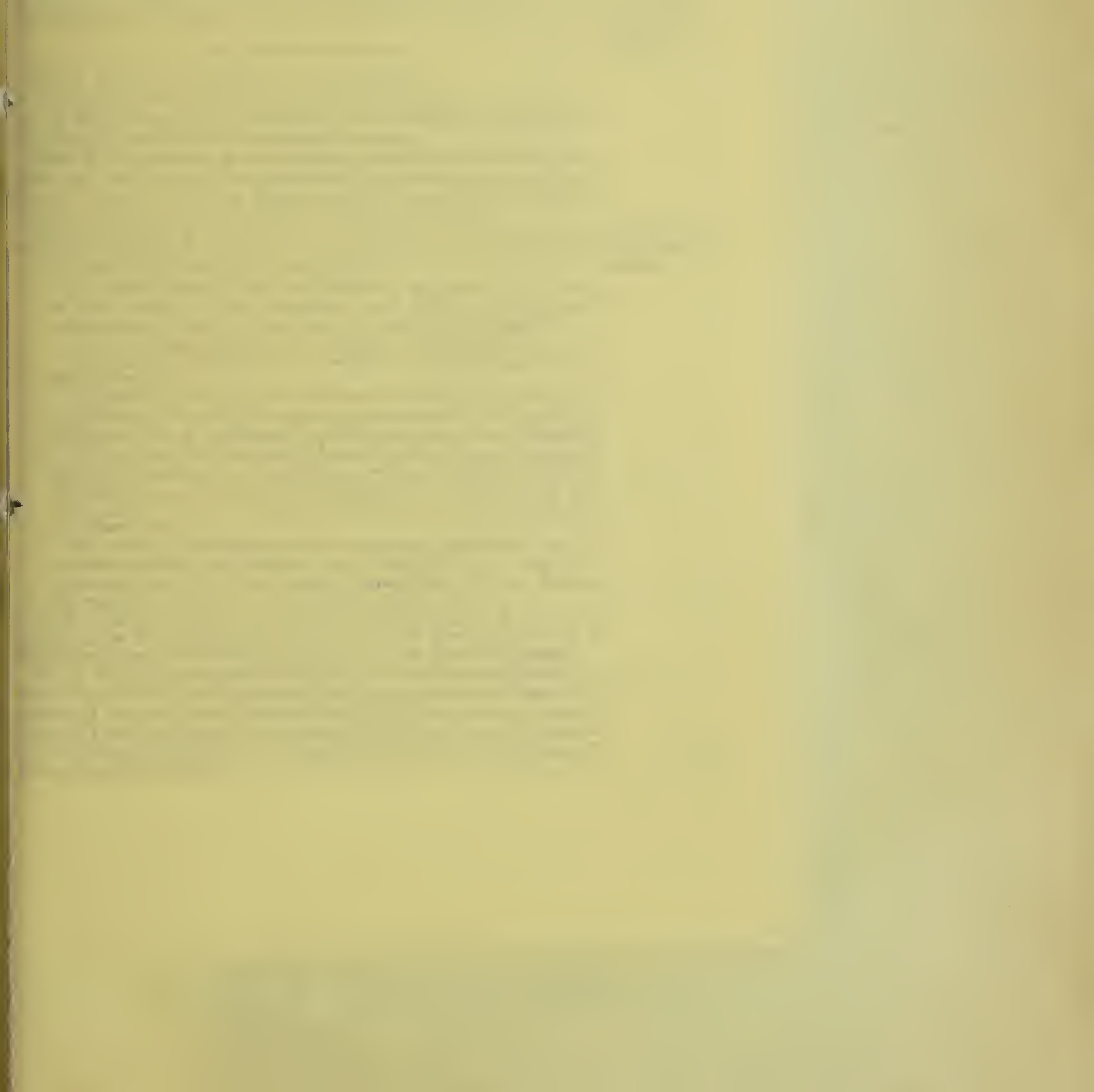
The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 18, 1970, pages H12119-H12127, CONGRESSIONAL RECORD.)

Mr. MUSKIE. Mr. President, I expect there will be considerable discussion of this conference report because of the special interest of the Senator from Massachusetts (Mr. BROOKE) in some provisions in the report. I wish to ask the Senator from Massachusetts whether we may expect a rollcall vote. I do not know, but I do expect the discussion will last for 45 minutes or longer, to clarify the point in which the Senator from Massachusetts is interested.

Does the Senator from Massachusetts expect to ask for a rollcall vote?





An Act

84 STAT. 1909

To reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Personnel Act of 1970".

Inter-
governmental
Personnel Act
of 1970.

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

That effective State and local governmental institutions are essential in the maintenance and development of the Federal system in an increasingly complex and interdependent society.

That, since numerous governmental activities administered by the State and local governments are related to national purpose and are financed in part by Federal funds, a national interest exists in a high caliber of public service in State and local governments.

That the quality of public service at all levels of government can be improved by the development of systems of personnel administration consistent with such merit principles as—

Personnel
administration
systems.

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

SEC. 3. The authorities provided by this Act shall be administered in such manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

DECLARATION OF PURPOSE

SEC. 101. The purpose of this title is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this Act.

ADVISORY COUNCIL

SEC. 102. (a) Within one hundred and eighty days following the date of enactment of this Act, the President shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an advisory council on intergovernmental personnel policy. The President may terminate the council at any time after the expiration of three years following its establishment.

80 Stat. 378.
5 USC 101.

Membership.

(b) The advisory council of not to exceed fifteen members, shall be composed primarily of officials of the Federal Government and State and local governments, but shall also include members selected from educational and training institutions or organizations, public employee organizations, and the general public. At least half of the governmental members shall be officials of State and local governments. The President shall designate a Chairman and a Vice Chairman from among the members of the advisory council.

Duties
regarding
personnel
policies.

(c) It shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

Ante, p. 198-1.

80 Stat. 498;
83 Stat. 190.

(d) Members of the advisory council who are not regular full-time employees of the United States, while serving on the business of the council, including travel time, may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business, all members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

REPORTS OF ADVISORY COUNCIL

Report to
President
and Congress.

SEC. 103. (a) The advisory council on intergovernmental personnel policy shall from time to time report to the President and to the Congress its findings and recommendations.

(b) Not later than eighteen months after its establishment, the advisory council shall submit an initial report on its activities, which shall include its views and recommendations on—

Report.

(1) the feasibility and desirability of extending merit policies and standards to additional Federal-State grant-in-aid programs;

(2) the feasibility and desirability of extending merit policies and standards to grant-in-aid programs of a Federal-local character;

(3) appropriate standards for merit personnel administration, where applicable, including those established by regulations with respect to existing Federal grant-in-aid programs; and

(4) the feasibility and desirability of financial and other incentives to encourage State and local governments in the development of comprehensive systems of personnel administration based on merit principles.

(c) In transmitting to the Congress reports of the advisory council, the President shall submit to the Congress proposals of legislation which he deems desirable to carry out the recommendations of the advisory council.

Presidential report to Congress.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

DECLARATION OF PURPOSE

SEC. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

SEC. 202. (a) The United States Civil Service Commission (hereinafter referred to as the "Commission") is authorized to make grants to a State for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects contained within the State's application are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen personnel administration in that State government or in local governments of that State. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

Ante, p. 1909.

(b) An application for a grant shall be made at such time or times, and contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor—

Application.

(1) provides for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the approved program or project at the State level;

Provisions.

(2) provides for the establishment of merit personnel administration where appropriate and the further improvement of existing systems based on merit principles;

(3) provides for specific personnel administration improvement needs of the State government and, to the extent appropriate, of the local governments in that State, including State personnel administration services for local governments;

(4) provides assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and

Personnel
administrative
improvement.

(5) sets forth clear and practicable actions for the improvement of particular aspects of personnel administration such as—

(A) establishment of statewide personnel systems of general or special functional coverage to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(B) making State grants to local governments to strengthen their staffs by improving their personnel administration;

(C) assessment of State and local government needs for professional, administrative, and technical manpower, and the initiation of timely and appropriate action to meet such needs;

(D) strengthening one or more major areas of personnel administration, such as recruitment and selection, training and development, and pay administration;

(E) undertaking research and demonstration projects to develop and apply better personnel administration techniques, including both projects conducted by State and local government staffs and projects conducted by colleges or universities or other appropriate nonprofit organizations under grants or contracts;

(F) strengthening the recruitment, selection, assignment, and development of handicapped persons, women, and members of disadvantaged groups whose capacities are not being utilized fully;

(G) training programs related directly to upgrading within the agency for nonprofessional employees who show promise of developing a capacity for assuming professional responsibility;

(H) achieving the most effective use of scarce professional administrative, and technical manpower; and

(I) increasing intergovernmental cooperation in personnel administration, with respect to such matters as recruiting, examining, pay studies, training, education, personnel interchange, manpower utilization, and fringe benefits.

LOCAL GOVERNMENT PROGRAMS AND GRANTS

SEC. 203. (a) The Commission is authorized to make grants to a general local government, or a combination of general local governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local govern-

ment or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act, to strengthen the personnel administration of such governments. Such a grant may not be made—

State grant,
conditions.

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of personnel administration in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government concerned with respect to those aspects of personnel administration covered in the approved plan, it is submitting an application; or

(2) after the State concerned has a statewide plan which has been developed by an appropriate State agency designated or established pursuant to State law which provides such agency with adequate authority, administrative organization, and staffing to develop and administer such a statewide plan, and to provide technical assistance and other appropriate support in carrying out the local components of the plan, and which provides procedures insuring adequate involvement of officials of affected local governments in the development and administration of such a statewide plan, unless the local government concerned has special, unique, or urgent problems which are not met by the approved statewide plan and for which it submits an application for funds to be distributed under section 506(a).

Upon the request of a Governor or chief executive authority, a grant to a general local government or combination of such governments in that State may not be made during a period not to exceed ninety days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later: *Provided*, That the request of the Governor or chief executive authority indicates that he is developing a plan under (1) above, or during a period not to exceed one hundred and eighty days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later, provided the request of the Governor or chief executive authority indicates that he is developing a statewide plan under (2) above.

(b) An application for a grant from a general local government or a combination of general local governments shall be made at such time or times and shall contain such information as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor meets requirements similar to those established in section 202(b) of this Act for a State application for a grant, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (c) of this section. Such a grant may cover the costs of developing the program or project covered by the application. The Commission may make grants to general local governments, or combinations of such governments, that serve a population of less than fifty thousand, if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special problems in personnel administration related to such programs or projects.

Local government grants,
conditions.

(c) An application to be submitted to the Commission under subsection (b) of this section shall first be submitted by the general local

Application,
gubernatorial review.

Disapproval
explanation.

government or combination of such governments to the Governor for review, comments, and recommendations. The Governor may refer the application to the State office designated under section 202(b)(1) of this Act for review. Comments and recommendations (if any made as a result of the review, and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor shall accompany the application to the Commission. The application need not be accompanied by the comments and recommendations of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and comment for a period of sixty days without comment by the Governor. An explanation in writing shall be sent to the Governor of a State by the Commission whenever the Commission does not concur with recommendations of the Governor in approving any local government applications.

INTERGOVERNMENTAL COOPERATION IN RECRUITING AND EXAMINING

SEC. 204. (a) The Commission may join, on a shared-costs basis, with State and local governments in cooperative recruiting and examining activities under such procedures and regulations as may jointly be agreed upon.

Potential
employees,
certification.

(b) The Commission also may, on the written request of a State or local government and under such procedures as may be jointly agreed upon, certify to such governments from appropriate Federal registers the names of potential employees. The State or local government making the request shall pay the Commission for the costs, as determined by the Commission, of performing the service, and such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

TECHNICAL ASSISTANCE

SEC. 205. The Commission may furnish technical advice and assistance, on request, to State and general local governments seeking to improve their systems of personnel administration. The Commission may waive, in whole or in part, payments from such governments for the costs of furnishing such assistance. All such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

COORDINATION OF FEDERAL PROGRAMS

SEC. 206. The Commission, after consultation with other agencies concerned, shall—

(1) coordinate the personnel administration support and technical assistance given to State and local governments and the support given State programs or projects to strengthen local government personnel administration, including the furnishing of needed personnel administration services and technical assistance, under authority of this Act with any such support given under other Federal programs; and

(2) make such arrangements, including the collection, maintenance, and dissemination of data on grants for strengthening State and local government personnel administration and on grants to States for furnishing needed personnel administration services and technical assistance to local governments, as needed to avoid duplication and insure consistent administration of related Federal activities.

INTERSTATE COMPACTS

SEC. 207. The consent of the Congress is hereby given to any two or more States to enter into compacts or other agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance (including the establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of State and local governments.

TRANSFER OF FUNCTIONS

SEC. 208. (a) There are hereby transferred to the Commission all functions, powers, and duties of—

- (1) the Secretary of Agriculture under section 10(e) (2) of the Food Stamp Act of 1964 (7 U.S.C. 2019(e) (2)); 78 Stat. 706.
 - (2) the Secretary of Labor under—
 - (A) the Act of June 6, 1933, as amended (29 U.S.C. 49 et seq.); and 48 Stat. 113.
 - (B) section 303(a) (1) of the Social Security Act (42 U.S.C. 503(a) (1)); 53 Stat. 1378.
 - (3) the Secretary of Health, Education, and Welfare under—
 - (A) sections 134(a) (6) and 204(a) (6) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 (42 U.S.C. 2674(a) (6) and 2684(a) (6)); 77 Stat. 287, 291.
 - (B) section 303(a) (6) of the Older Americans Act of 1965 (42 U.S.C. 3023(a) (6)); 79 Stat. 222;
 - (C) sections 314(a) (2) (F) and (d) (2) (F) and 604(a) (8) of the Public Health Service Act (42 U.S.C. 246(a) (2) (F) and (d) (2) (F) and 291d(a) (8)); and 83 Stat. 108.
 - (D) sections 2(a) (5) (A), 402(a) (5) (A), 505(a) (3) (A), 1002(a) (5) (A), 1402(a) (5) (A), 1602(a) (5) (A), and 1902(a) (4) (A) of the Social Security Act (42 U.S.C. 302(a) (5) (A), 602(a) (5) (A), 705(a) (3) (A), 1202(a) (5) (A), 1352(a) (5) (A), 1382(a) (5) (A), and 1396a(a) (4) (A)); and 80 Stat. 1181; 78 Stat. 453. 81 Stat. 895.
 - (4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grant-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program;
- insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) The Commission shall—

(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed by the Commission under subsection (a) of this section; and

(2) advise Federal agencies administering programs of grants or financial assistance as to the application of required personnel administration standards, and recommend and coordinate the taking of such actions by the Federal agencies as the Commission considers will most effectively carry out the purpose of this title.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of any Federal agency employed, used, held, available, or to be made available in connection with the functions, powers, and duties vested in the Commission by this section as the Director of the Management and Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

Functions.

Personnel,
funds, etc.,
transfer to
Commission.

(d) Personnel standards prescribed by Federal agencies under laws and regulations referred to in subsection (a) of this section shall continue in effect until modified or superseded by standards prescribed by the Commission under subsection (a) of this section.

(e) Any standards or regulations established pursuant to the provisions of this section shall be such as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own individual systems of personnel administration.

(f) Nothing in this section or in section 202 or 203 of this Act shall be construed to—

(1) authorize any agency or official of the Federal Government to exercise any authority, direction, or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee;

(2) authorize the application of personnel standards on a merit basis to the teaching personnel of educational institutions or school systems;

(3) prevent participation by employees or employee organizations in the formulation of policies and procedures affecting the conditions of their employment, subject to the laws and ordinances of the State or local government concerned;

(4) require or request any State or local government employee to disclose his race, religion, or national origin, or the race, religion, or national origin, of any of his forebears;

(5) require or request any State or local government employee, or any person applying for employment as a State or local government employee, to submit to any interrogation or examination or to take any psychological test or any polygraph test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters; or

(6) require or request any State or local government employee to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

Effective date. (g) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 301. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

SEC. 302. (a) In accordance with such conditions as may be prescribed by the head of the Federal agency concerned, a Federal agency may admit State and local government employees and officials to agency training programs established for Federal professional, administrative, or technical personnel.

(b) Federal agencies may waive, in whole or in part, payments from, or on behalf of, State and local governments for the costs of training provided under this section. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

Training
costs, waiver.

(c) The Commission may use appropriations authorized by this Act to pay the initial additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

SEC. 303. (a) If in its judgment training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and general local governments for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs, on the certification of the Governor of that State, or the mayor or chief executive officer of the general local government, that the programs are consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such grants may not be used to cover costs of full-time graduate-level study, provided for in section 305 of this Act, or the costs of the construction or acquisition of training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in developing and carrying out training and education programs for their personnel.

(b) An application for a grant from a State or general local government shall be made at such time or times, and shall contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section, only if the application therefor meets requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grant to a State, or to a general local government under subsection (c) of this section, may cover the costs of developing the program covered by the application. The program covered by the application shall—

Application,
information
requirements.

(1) provide for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the program at the State level;

(2) provide, to the extent feasible, for coordination with relevant training available under or supported by other Federal Government programs or grants;

(3) provide for training needs of the State government and of local governments in that State;

(4) provide, to the extent feasible, for intergovernmental cooperation in employee training matters, especially within metropolitan or regional areas; and

(5) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local gov-

Provisions.

ernment expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes.

(c) A grant authorized by subsection (a) of this section may be made to a general local government, or a combination of such governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local government or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such a grant may not be made—

State grant
conditions.

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of training in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government concerned with respect to those aspects of training covered in the approved plan, it is submitting an application; or

(2) after the State concerned has a statewide plan which has been developed by an appropriate State agency designated or established pursuant to State law which provides such agency with adequate authority, administrative organization, and staffing to develop and administer such a statewide plan, and to provide technical assistance and other appropriate support in carrying out the local components of the plan, and which provides procedures insuring adequate involvement of officials of affected local governments in the development and administration of such a statewide plan, unless the local government concerned has special, unique, or urgent problems which are not met by the approved statewide plan and for which it submits an application for funds to be distributed under section 506(a).

Upon the request of a Governor or chief executive authority, a grant to a general local government or combination of such governments in that State may not be made during a period not to exceed ninety days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later: *Provided*, That the request of the Governor or chief executive authority indicates that he is developing a plan under (1) above, or during a period not to exceed one hundred and eighty days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later, provided the request of the Governor or chief executive authority indicates that he is developing a statewide plan under (2) above. To be approved, an application for a grant under this subsection must meet requirements similar to those established in subsection (b) of this section for State applications, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (d) of this section. The Commission may make grants to general local governments, or combinations of such governments that serve a population of less than fifty thousand if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special needs for personnel training and education related to such programs or projects.

(d) An application to be submitted to the Commission under subsection (c) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review, comments, and recommendations. The Governor may refer the application to the State office designated under section 303(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor shall accompany the application to the Commission. The application need not be accompanied by the comments and recommendations of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and comment for a period of sixty days without comment by the Governor. An explanation in writing shall be sent to the Governor of a State by the Commission whenever the Commission does not concur with recommendations of the Governor in approving any local government applications.

Gubernatorial
review.

Disapproval
explanation.

GRANTS TO OTHER ORGANIZATIONS

SEC. 304. (a) The Commission is authorized to make grants to other organizations to pay up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, up to 50 per centum) of the costs of providing training to professional, administrative, or technical employees and officials of State or local governments if the Commission—

Conditions.

(1) finds that State or local governments have requested the proposed program;

(2) determines that the capability to provide such training does not exist, or is not readily available, within the Federal or the State or local governments requesting such program or within associations of State or local governments, or if such capability does exist that such government or association is not disposed to provide such training; and

(3) approves the program as meeting such requirements as may be prescribed by the Commission in its regulations pursuant to this Act.

(b) For the purpose of this section "other organization" means—

"Other organi-
zation."

(1) a national, regional, statewide, areawide, or metropolitan organization, representing member State or local governments;

(2) an association of State or local public officials; or

(3) a nonprofit organization one of whose principal functions is to offer professional advisory, research, development, educational or related services to governments.

GOVERNMENT SERVICE FELLOWSHIPS

SEC. 305. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government Service Fellowships for State and local government personnel. The grants may cover—

Costs.

(1) the necessary costs of the fellowship recipient's books, travel, and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable federally supported programs for each fellow, less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.

(c) The State or local government concerned shall—

- (1) select the individual recipients of the fellowships;
- (2) during the period of the fellowship, continue the full salary of the recipient and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance; and
- (3) make appropriate plans for the utilization and continuation in public service of employees completing fellowships and outline such plans in the application for the grant.

COORDINATION OF FEDERAL PROGRAMS

SEC. 306. The Commission, after consultation with other agencies concerned, shall—

- (1) prescribe regulations concerning administration of training for employees and officials of State and local governments provided for in this title, including requirements for coordination of and reasonable consistency in such training programs;
- (2) coordinate the training support given to State and local governments under authority of this Act with training support given such governments under other Federal programs; and
- (3) make such arrangements, including the collection and maintenance of data on training grants and programs, as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities, with particular regard to title IX of the Higher Education Act of 1965.

82 Stat. 1043.
20 USC 1134.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to provide for the temporal assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

AMENDMENTS TO TITLE 5, UNITED STATES CODE

80 Stat. 417.
5 USC 3301.

SEC. 402. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

“SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

“§ 3371. Definitions

“For the purpose of this subchapter—

“(1) ‘State’ means—

“(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

“(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

“(2) ‘local government’ means—

“(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

“(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

“§ 3372. General provisions

“(a) On request from or with the concurrence of a State or local government, and with the consent of the employee concerned, the head of an executive agency may arrange for the assignment of—

“(1) an employee of his agency to a State or local government; and

“(2) an employee of a State or local government to his agency; for work of mutual concern to his agency and the State or local government that he determines will be beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of an executive agency may extend the period of assignment for not more than two additional years.

“(b) This subchapter is authority for and applies to the assignment of—

“(1) an employee of an executive agency to an institution of higher education; and

“(2) an employee of an institution of higher education to an executive agency.

“§ 3373. Assignment of employees to State and local governments

“(a) An employee of an executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

“(1) on detail to a regular work assignment in his agency; or

“(2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the executive agency and the State or local government concerned.

“(b) The assignment of an employee of an executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay, or supplemental pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the executive agency used for paying the travel and transportation expenses or pay.

“(c) For any employee so assigned and on leave without pay—

“(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had he continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

“(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

60 Stat. 842.
28 USC 2671-
2680.

84 STAT. 1922

80 Stat. 592.
5 USC 8701,
8901.

“(3) he is entitled, notwithstanding other statutes—

“(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employee’s Life Insurance Fund and the Employee’s Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions;

“(B) to credit the period of his assignment under this subchapter toward periodic step-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat his service during that period as service of the type performed in the agency immediately before his assignment; and

“(C) for the purpose of subchapter I of chapter 85 of this title, to credit the service performed during the period of his assignment under this subchapter as Federal service, and to consider his State or local government pay (and his supplemental pay, if any) as Federal wages. To the extent that the service could also be the basis for entitlement to unemployment compensation under a State law, the employee may elect to claim unemployment compensation on the basis of the service under either the State law or subchapter I of chapter 85 of this title.

However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar. The executive agency shall deposit currently in the Employee’s Life Insurance Fund, the Employee’s Health Benefits Fund or other applicable health benefits system, respectively, the amount of the Government’s contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

“(d) (1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown.

5 USC 8101.

When made, the election is irrevocable unless otherwise provided by law.

"(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter III of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

80 Stat. 564.
5 USC 8331.

"(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

"(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

"(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

"§ 3374. Assignments of employees from State or local governments

"(a) An employee of a State or local government who is assigned to an executive agency under an arrangement under this subchapter may—

"(1) be appointed in the executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the assignment; or

"(2) be deemed on detail to the executive agency.

"(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed an employee of the executive agency for all purposes except—

5 USC 5101,
5331.

"(1) subchapter III of chapter 83 of this title or other applicable retirement system;

5 USC 8331.

"(2) chapter 87 of this title; and

5 USC 8701.

"(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

5 USC 8901.

"(c) During the period of assignment, a State or local government employee on detail to an executive agency—

"(1) is not entitled to pay from the agency;

"(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, section 638a of title 31, and the Federal Tort Claims Act and any other Federal tort liability statute; and

5 USC 7301.
76 Stat. 1121.
62 Stat. 722.
60 Stat. 810.
60 Stat. 842.
28 USC 2671-
2680.

"(3) is subject to such regulations as the President may prescribe.

The supervision of the duties of such an employee may be governed by agreement between the executive agency and the State or local government concerned. A detail of a State or local government employee to an executive agency may be made with or without reimbursement by the executive agency for the pay, or a part thereof, of the employee during the period of assignment.

"(d) A State or local government employee who is given an appointment in an executive agency for the period of the assignment or who is on detail to an executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of

80 Stat. 531.
5 USC 8101.

subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

“(e) If a State or local government fails to continue the employer's contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an executive agency, the employer's contributions covering the State or local government employee's period of assignment, or any part thereof, may be made from the appropriations of the executive agency concerned.

“§ 3375. Travel expenses

“(a) Appropriations of an executive agency are available to pay or reimburse, a Federal or State or local government employee in accordance with—

80 Stat. 497.
5 USC 5701.

“(1) subchapter I of chapter 57 of this title, for the expenses of—

“(A) travel, including a per diem allowance, to and from the assignment location;

“(B) a per diem allowance at the assignment location during the period of the assignment; and

“(C) travel, including a per diem allowance, while traveling on official business away from his designated post of duty during the assignment when the head of the executive agency considers the travel in the interest of the United States;

80 Stat. 502;
81 Stat. 204.

“(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

“(3) section 5724a(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

“(4) section 5724a(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty; and

“(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

Non-allowable
expenses.

“(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1)(C), may not be allowed in connection with the assignment of a Federal or State or local government employee under this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as a debt due the United States. The head of the executive agency concerned may waive in whole or in part a right of recovery under this subsection with

Expenses
recoverable
by U.S.
Waiver.

respect to a State or local government employee on assignment with the agency.

“(c) Appropriations of an executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local government employee assigned under this subchapter. 80 Stat. 507.

“§ 3376. Regulations

“The President may prescribe regulations for the administration of this subchapter.”

(b) The analysis of chapter 33 of title 5, United States Code, is amended by inserting the following at the end thereof: 80 Stat. 417.

“SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

“Sec.

“3371. Definitions.

“3372. General provisions.

“3373. Assignments of employees to State or local governments.

“3374. Assignments of employees from State or local governments.

“3375. Travel expenses.

“3376. Regulations.”

REPEAL OF SPECIAL AUTHORITIES

SEC. 403. The Act of August 2, 1956, as amended (7 U.S.C. 1881-1888), section 553 of the Act of April 11, 1965 as amended (20 U.S.C. 867), and section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) (less applicability to commissioned officers of the Public Health Service) are hereby repealed. 70 Stat. 934.
79 Stat. 5.
80 Stat. 1186.

SEC. 404. This title shall become effective sixty days after the date of enactment of this Act. Effective date.

TITLE V—GENERAL PROVISIONS

DECLARATION OF PURPOSE

SEC. 501. The purpose of this title is to provide for the general administration of titles I, II, III, and V of this Act (hereinafter referred to as “this Act”), and to provide for the establishment of certain advisory committees.

DEFINITIONS

SEC. 502. For the purpose of this Act—

(1) “Commission” means the United States Civil Service Commission;

(2) “Federal agency” means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) “local government” means a city, town, county, or other subdivision or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A “general local government” means a city, town, county, or comparable general-purpose political subdivision of a State.

GENERAL ADMINISTRATIVE PROVISIONS

SEC. 503. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

(b) The Commission shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of this Act.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission may—

(1) issue such standards and regulations as may be necessary to carry out the purposes of this Act;

(2) consent to the modification of any contract entered into pursuant to this Act, such consent being subject to any specific limitations of this Act;

(3) include in any contract made pursuant to this Act such covenants, conditions, or provisions as it deems necessary to assure that the purposes of this Act will be achieved; and

(4) utilize the services and facilities of any Federal agency, any State or local government, and any other public or nonprofit agency or institution, on a reimbursable basis or otherwise, in accordance with agreements between the Commission and the head thereof.

(d) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission—

(1) may collect information from time to time with respect to State and local government training programs and personnel administration improvement programs and projects under this Act, and make such information available to interested groups, organizations, or agencies, public or private;

(2) may conduct such research and make such evaluation as needed for the efficient administration of this Act;

(3) shall include in its annual report a report of the administration of this Act; and

(4) shall make such arrangements as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of the related Federal training activities, with particular regard to title I of the Higher Education Act of 1965.

(e) The provisions of this Act are not a limitation on existing authorities under other statutes but are in addition to any such authorities, unless otherwise specifically provided in this Act.

REPORTING REQUIREMENTS

SEC. 504. (a) A State or local government office designated to administer a program or project under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

(b) An organization which receives a training grant under section 304 of this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal grant funds and the operation of the training program as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

79 Stat. 1187.
42 USC 1001-
1011.

State or local
governments.

Organizations.

REVIEW AND AUDIT

SEC. 505. The Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

DISTRIBUTION OF GRANTS

SEC. 506. (a) The Commission shall allocate 20 per centum of the total amount available for grants under this Act in such manner as will most nearly provide an equitable distribution of the grants among States and between State and local governments, taking into consideration such factors as the size of the population, number of employees affected, the urgency of the programs or projects, the need for funds to carry out the purposes of this Act, and the potential of the governmental jurisdictions concerned to use the funds most effectively.

State and local government allocations.

(b) (1) The Commission shall allocate 80 per centum of the total amount available for grants under this Act among the States on a weighted formula taking into consideration such factors as the size of population and the number of State and local government employees affected.

(2) The amount allocated for each State under paragraph (1) of this subsection shall be further allocated by the Commission to meet the needs of both the State government and the local governments within the State on a weighted formula taking into consideration such factors as the number of State and local government employees and the amount of State and local government expenditures. The Commission shall determine the categories of employees and expenditures to be included or excluded, as the case may be, in the number of employees and amount of expenditures. The minimum allocation for meeting needs of local governments in each State (other than the District of Columbia) shall be 50 per centum of the amount allocated for the State under paragraph (1) of this subsection.

Minimum allocation.

(3) The amount of any allocation under paragraph (2) of this subsection which the Commission determines, on the basis of information available to it, will not be used to meet needs for which allocated shall be available for use to meet the needs of the State government or local governments in that State, as the case may be, on such date or dates as the Commission may fix.

(4) The amount allocated for any State under paragraph (1) of this subsection which the Commission determines, on the basis of information available to it, will not be used shall be available for reallocation by the Commission from time to time, on such date or dates as it may fix, among other States with respect to which such a determination has not been made, in accordance with the formula set forth in paragraph (1) of this subsection, but with such amount for any of such other States being reduced to the extent it exceeds the sum the Commission estimates said State needs and will be able to use; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced.

Reallocation.

(5) For the purposes of this subsection, "State" means the several States of the United States and the District of Columbia.

"State."

(c) Notwithstanding the other provisions of this section, the total of the payments from the appropriations for any fiscal year under this Act made with respect to programs or projects in any one State may not exceed an amount equal to 12½ per centum of such appropriation.

Payments, limitation.

TERMINATION OF GRANTS

SEC. 507. Whenever the Commission, after giving reasonable notice and opportunity for hearing to the State or general local government concerned, finds—

- (1) that a program or project has been so changed that it no longer complies with the provisions of this Act; or
 - (2) that in the operation of the program or project there is a failure to comply substantially with any such provision;
- the Commission shall notify the State or general local government of its findings and no further payments may be made to such government by the Commission until it is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Commission may authorize the continuance of payments to those projects approved under this Act which are not involved in the noncompliance.

ADVISORY COMMITTEES

80 Stat. 378.
5 USC 101.

SEC. 508. (a) The Commission may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committee or committees if it may determine to be necessary to facilitate the administration of this Act.

Ante, p. 198-1.

(b) Members of advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees including traveltime may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

80 Stat. 499;
83 Stat. 190.

APPROPRIATION AUTHORIZATION

SEC. 509. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the programs authorized by this Act.

REVOLVING FUND

83 Stat. 851.

SEC. 510. Section 1304(e) of title 5, United States Code (relating to the revolving fund of the Civil Service Commission), is amended—

- (1) by striking out "of \$4,000,000" in paragraph (1); and
- (2) by inserting "which appropriations are hereby authorized" immediately before the semicolon at the end of paragraph (2) (A).

LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST SHARING

SEC. 511. Federal funds made available to State or local governments under other programs may not be used by the State or local government for cost-sharing purposes under grant provisions of this Act, except that Federal funds of a program financed wholly by Federal funds may be used to pay a pro-rata share of such cost sharing. State or local government funds used for cost sharing on other federally assisted programs may not be used for cost sharing under grant provisions of this Act.

METHOD OF PAYMENT

SEC. 512. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as the Commission may determine, with necessary adjustments on account of overpayments or underpayments.

EFFECTIVE DATE OF GRANT PROVISIONS

SEC. 513. Grant provisions of this Act shall become effective one hundred and eighty days following the date of enactment of this Act.

Approved January 5, 1971.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-1733 (Comm. on Education and Labor).

SENATE REPORT No. 91-489 (Comm. on Government Operations).

CONGRESSIONAL RECORD:

Vol. 115 (1969): Oct. 27, considered and passed Senate.

Vol. 116 (1970): Dec. 21, considered and passed House, amended.

Dec. 22, Senate concurred in House amendment.

